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A law providing for the punishment of certain Crimes

Be it enacted by the Governor & Judges of the Indiana Territory authorized by an act of Congress to make laws for the District of Louisiana, and it is hereby enacted by the authority of the same

That if any person belonging to, residing in, or protected by the laws of this District, shall levy war against the United States, or against this district, or shall knowingly & willingly aid or assist any enemy or enemies at war against the United States or this District, by joining the armies or fleets of such enemy, or by intisting (pursuading) or procuring of them to join said fleets or armies, or by furnishing such enemies with arms, or ammunition, or provisions, or any other article for their aid or comfort, or by carrying on a treasonable and treacherous correspondence with them, or shall form or be any way concerned in forming, any combination, plot, or conspiracy for betraying

the United States, or the District, and
hands or power of any foreign enemy or shall
give or attempt to give or send any intelligence to
any such enemy for said purpose, the person
or persons so offending shall be deemed guilty
of Treason, and upon conviction thereof shall
suffer the pains of death and shall moreover forfeit all
his her or their estate real and personal to the
District.

Section 2nd. And be it further enacted that if any per-
son or persons shall with malice aforethought
kill or slay another person, he she or they
so offending shall be deemed guilty of murder
and upon conviction thereof shall suffer the
Pains of death.

Section 3rd. And be it further enacted that if any person
or persons shall unlawfully kill or slay another
person without malice aforethought, he she,
or they so offending shall be deemed Guilty of
manslaughter, and upon conviction thereof shall
be punished as at the common law hath heretofore
been used and accustomed. Provided

nevertheless that if any person or persons in the
and necessary defence of his own life, or the life
of any other person, shall kill or slay any such
person attempting to rob or murder in the field
or highway, or to break into a dwelling house,
if he cannot with safety to himself otherwise
take the felon or assailant, or bring him to
justice he shall be holden guiltless.

Section 4th And be it further enacted, that if any
person or persons, shall wilfully & maliciously
burn or cause to be burned, or shall wilfully
and knowingly aid or assist in burning or
causing to be burned, any dwelling house,
Store house, Barn, Stable or other building ad-
joining thereto, or shall wilfully burn or cause to
be burned, or shall knowingly aide or assist
in burning or causing to be burned, any Grist
or Saw Mill, every person so offending shall
be deemed guilty of Arson, and upon Conviction
thereof shall suffer death, and forfeit to the use
of his her or their estate, real and personal, as
shall be sufficient to satisfy the party injured his full damages.

Section 5th "And be it further enacted, that if any person or persons shall in the night season break open and enter any dwelling house, shop store, or Vessel, in which any person or persons dwell or reside with a view and intention of stealing and purloining therefrom any Money Goods or Chattels he she or they so offending shall be deemed guilty of Burglary and upon conviction thereof shall be fined in a sum not exceeding One hundred dollars at the discretion of the Court before which the trial is had, to the use of the Deslret and fois sureties for good behavior for a term not exceeding One year, and upon default thereof shall be committed to jail, for a term not exceeding One year or until sentence be performed,

That if the person or persons so breaking or entering any dwelling house, shop, store or Vessel, as aforesaid, shall actualy steal and purloin therefrom any Money Goods or Chattels, he she or they so offending upon

Conviction thereof shall moreover be forced to triple the value of the articles stolen, one third of such fine to be to the district and the other two thirds to the party injured.

Section 6th " And be it further enacted that if any person or persons do breaking and entering any dwelling house, shop, store or vessel as aforesaid shall actually steal and purloin therefrom any money, goods or chattels, and shall commit or attempt to commit any personal abuse, force or violence, or shall be so armed with any danger-ous weapon, or weapons as clearly to indicate a violent intention, he, she, or they so offending upon conviction thereof shall suffer death and forfeit so much of his her or their estate real and personal as shall be sufficient to satisfy the party injured his full damages.

Section 7th " And be it further enacted, that if the death of any innocent person should ensue from the breaking & entering any dwelling house, shop store or vessel, as aforesaid in any of the instances aforesaid, the person or persons,

to breaking and entering

Guilty of wilful

aiding and assisting in breaking & entering such dwelling house, shop store or vessel, as aforesaid, or in any of the crimes consequent thereupon, as before pointed out, shall be deemed principals. And all aiders and abettors in any Robery as aforesaid and in any of the crimes consequent thereupon as before pointed out, shall be deemed principals.

Sec 8. And be it further enacted, that (if any person or persons, shall unlawfully and forcebly, take from the person of another, in the field or highway any money goods or chattels he she or they so offending shall be guilty of Robery, and upon conviction thereof, shall suffer as in the second instance of Burglary section 7th. And be it further enacted that if any person or persons shall commit such robery with personal abuse or violence or be armed at the time with any dangerous weapon or weapons so as clearly to indicate an

intention of robbery, he she or they
offending upon conviction thereof, shall
suffer death, and shall forfeit to such
his her or their estate real and personal as
shall be sufficient to satisfy the party injured
his full damage.

And in case any person robbing or attempting
to rob as aforesaid shall kill or slay any per-
son or persons, defending him her or themselves,
or others, or his her or their property against
such robber or robbers, or person or persons
attempting to rob, or in pursuing or endeav-
oring to apprehend and secure such person
or persons so robbing or attempting to rob,
He she or they so offending, shall be deemed
guilty of wilful Murder, And all aiders and
abettors in any robbery as aforesaid and in
any of the crimes consequent thereon as
before pointed out, shall be deemed principals.
10. And be it further enacted, that if three
or more persons shall assemble together with
an intention to do any unlawful act, with

force and violence a[illegible]

[illegible]

against the peace and to the terror of the people

or being lawfully assembled shall agree with each

other to do any unlawful act as aforesaid and

shall make any movement or preparation therefor

the persons so offending and upon conviction

thereof shall pay as a fine each to the use of

the sum of twenty dollars and find sureties for

their good behaviors respectively for the space

of six months and stand committed until sentence

be performed.

When ever three or more persons shall be assem-

bled as aforesaid and proceeding to commit

any of the offences as aforesaid, it shall be

the duty of all judges Justices of the peace

and Sheriffs & all ministerial officers

immediately upon actual view, or as soon

as may be upon information, to make

proclamation in the hearing of the offend-

ers if they can be obtained, commanding

them in the name of the United States

to disperse and dis[redacted]
of Lawful employments, and if upon such Proclamation or when duline cannot be obtained such persons so assembled, shall not disperse, and depart as aforesaid it shall then be the duty of the said Judges Justices of the peace & Sheriffs, and other ministerial officers, respectively to call upon all persons near, and of abilities and throughout the District if necessary to be aiding and assisting in dispersing and taking into Custody all persons assembled as aforesaid And all Military officers and others called upon as aforesaid are hereby ordered and directed to render assistance and full obedience in this behalf upon the penalty of ten dollars each for every neglect or refusal herein, and commitment in case of non payment. If any of the persons so unlawfully assembled, shall be killed, maimed, or otherwise injured in consequence of resisting the Judges and others in dispersing and apprehending, or in attempting to disperse and apprehend them, the said Ju[redacted] Justices

of the Peace aud [redacted]
[redacted] persons and them acting by their authority
or the authority of any of them, shall be
holden guiltless.

Section IIth And be it further enacted, that if
any person or persons shall forcably obstruct
any of the authority aforesaid, or if three or more
persons shall continue together after proclamation
as aforesaid made, or attempted to be made, & ~~&~~
prevented by such rioters or in case of no
proclamation any three or more persons, being
assembled, as aforesaid shall commit any
unlawful act as aforesaid, every offender,
upon conviction thereof, shall be fined in a
sum not exceeding three hundred dollars,
and find surety for good behavior, for a time
not more than one year, at the discretion
of the court before whom the conviction may
be had. And upon a second conviction
each and every offender shall be fined as aforesaid
and find sureties for good behavior and the peace
for a time not exceeding two years, may be

he she or they so offending shall upon conviction thereof suffer the same punishments and disabilities as in the case of actual perjury.

Section 13th And be it further enacted that if any person or persons shall steal or purloin from another person or persons, any money goods, wares, or Merchandize or any other personal property or thing whatever, he she or they so offending shall be deemed guilty of Larceny and upon conviction thereof shall for the first offence restore the owner the thing stolen, and pay to him the value thereof; or two fold the value thereof if the thing stolen be not restored, and shall be fined in a sum not exceeding two fold the value of the thing or goods stolen, at the discretion of the Court, upon a second conviction restitution and payment shall be made to the owner as aforesaid & fine shall be set and paid to the District not exceeding four fold the value as aforesaid, and in like manner upon every succeeding conviction

and satisfy the sentence of the Court it shall be lawfull for the Sheriff under the direction of the Court, to bind such person to labour for a term not exceeding seven years to any suitable person who will discharge such sentence

tion 14th " And be it further enacted that if any person or persons shall receive any goods or other things as aforesaid knowing the same to be stolen he she or they so offending shall be deemed principally guilty and upon Conviction thereof shall be punished accordingly

tion 15th " And be it further enacted that if any person or persons shall agree or compound or take satisfaction for any stealing or goods stolen, such person or persons upon conviction thereof shall forfeit twice the value of the sums or things agreed for or taken, but no person shall be debarred from taking his goods again. Provided

[illegible] to prosecute the [illegible]. [illegible]

[illegible] shall be considered to [illegible]

to prosecute a child, being an infant or in a [illegible]

of minority

Section 16th And be it further enacted; that whoever

shall forge, deface, corrupt or embezzle any

Charter, gift, grant, bond, Bill, convey-

ance, Will, Testament or written contract

of any nature or kind, or shall deface or

falsify any enrolment, registry or record

or matter or instrument recorded or shall

counterfeit the seal or hand writing of another

with intent to defraud, every person so

offending upon conviction thereof shall be

fined in double the sum he shall thereby

have defrauded, or attempted to defraud another

one half thereof to the party injured or

attempted to be injured, and shall moreover

forever after be rendered incapable of giving

testimony, being a juror or sustaining any office

of trust and be set in the pillory for a space

not exceeding three hours.

And all persons wilfully aiding and [illegible]

the same, or any of them to be perpetrated shall

be deemed principals

Section 17: And be it further enacted, that no person

shall take upon himself or exercise or officiate in

any office or place of authority within this district

without being lawfully authorized thereunto and if

any person shall presume so to do, he shall upon

Conviction thereof be fined in a sum not exce-

ding One hundred dollars.

Section 18th And be it further enacted, that if any

person shall unlawfully assault or threaten an-

other in a menacing manner, or shall

strike or wound another he shall upon

conviction thereof be fined in a sum not-

exceeding One hundred dollars before the court

before whom such conviction shall be had may

at their discretion Cause the offender to

enter into recognizance with surety for the

Peace & Good behavior for a term not

exceeding One year

19th Bonds Bills Notes or other Writings or Instruments

conveyances or obligations whatever made with
intent to deceive & defraude others or to defeat
Credetors of their just debts or demands, shall
be null and void and the person or persons
so offending shall upon conviction there of
be fined in a sum not exceeding three hun-
dred dollars and pay doble damage to the
Party or parties injured.

The foregoing is hereby declared to be a law
for the District of Louisiana to take effect
accordingly. In testimony whereof we William
Henry Harrison Governor & Thomas T. Davis, Henry
Vandenburgh & John Griffin Judges in & over the Ter-
ritory aforesaid have hereunto set our hands at
Vincennes the first day of October one thou-
sand eight hundred & four & of the Independance
of the United States the twenty ninth

William Henry Harrison

Tho: T. Davis

Henry Vandenburg h

An Act establishing Courts for the Trial of Small Causes

Be it enacted by the Governor and Judges of Indiana Territory authorised and empowered by an act of Congress to make laws for the District of Louisiana and it is hereby enacted by the authority of the same

That every action for debt or other demand (except such actions as is hereinafter excepted) shall be and the same is hereby made cognizable before any Justice of the peace within the District in which the defendant resides or may be found and the said Justices are hereby authorised to hold a court, to hear try and determine the same according to law and the jurisdiction of every Justice of the peace under this act, shall be coextensive with the limits of the District in which he resides and his writs precepts, and process authorised by this act, shall run over and through such District and may be executed thereon and not elsewhere and the Constables of the several Districts and those only shall be ministerial Officers of the said Courts and it shall be their duty to execute and return all precepts, Summons, Attachments and other process issuing out of the said court, and to them or any of them directed and delivered and to perform all acts appertaining to their office as aforesaid

and all such precepts Summons Warrants and other process shall be tested on the day on which they are respectively issued and shall be under the hand and seal of the Justice issuing the same. Provided always that if there is not a Justice of the peace residing in the said District in which the defendant lives, or if there is not a Justice of the peace residing in the said District who is disinterested in the event of the suit, or who is not of kin to either of the parties in or within the second degree it shall be lawful for the plaintiff to institute his suit before a Justice of the peace in any of the adjoining districts, and the said Justice is hereby authorized to take cognizance thereof any thing herein contained to the contrary notwithstanding.

Section 2. And be it further enacted that the first process which shall be issued against any defendant by virtue of this act shall be a Summons or Warrant, or Writ of Capias ad respondendum, as the case may require, and the Summons shall be used in every case under this act where the defendant is a freeholder, within the district, and resides within the district and Summons to be issued as aforesaid shall specify a certain time, not less than six nor more than ten days from the date of such process and also a certain place at which the defendant

d to appear, and shall be served three days at least before the time of appearance mentioned therein, by a copy left with the defendant, and by serving him or her with a copy thereof if required, when the said defendant may be found but if he or she cannot be found then by leaving a copy thereof at his or her house, or place of abode in presence of some person of the family of the age of ten years or upwards, who shall be informed of the contents thereof, and the constable serving such warrant shall on the oath of his office, endorse thereon the time and manner of his executing the same, and shall subscribe his name thereto Provided always, that in every case in which the summons is made the proper process by this act if it shall be sufficiently proved on oath to the satisfaction of the Justice, that the plaintiff will be in danger of loosing his or her demand, unless the defendant be arrested, it shall be the duty of the Justice to issue a warrant in the nature of a capias, any thing therein contained to the contrary notwithstanding.

tion 3° And be it further enacted, that if the defendant does not appear at the time and place, expressed in such summons, and it shall be found, by the return thereon

endorsed, that the Summons was duly served, and no suffi-
cient reason be alleged to the Justice why the defendant
does not appear, then the said Justice may proceed to
hear and determine such cause in the absence of the said
defendant.

Section 4th. And be it further enacted that the Warrant in nature
of a Capias ad respondendum, shall be used in all cases
under this act, in which the defendant is not a free-
holder, within the district, or does not reside within the
district, in which such process shall issue, and the said
Warrant shall be returnable forthwith, after the service
thereof, and the constable serving or executing the same
shall according to the command thereof forthwith convey
the defendant, before the Justice who issued the same,
and the said Justice shall thereupon either cause the said
defendant to give bail for his appearing, and abid-
ing the event of the said suit, or on neglect or refusal
to give such bail, shall order the constable to convey him
or her to the Gaol of the district, there to be kept in custody
until the time appointed for the trial of the cause, which
shall not exceed three days from the day of the return of
the Warrant, or the said Justice may direct the constable

to hold the defendant in his custody until the plaintiff shall have notice and time to attend and proceed to trial and the constable who serves such warrant shall on the Oath of his office endorse thereon the execution thereof and sign his name thereto.

Sec. 5th And be it further enacted that that the Justice shall endorse on the summons or warrant, before the same is delivered to the constable, the sum demanded by the plaintiff, together with the costs that shall have accrued and the defendant shall have the privilege of staying the amount of the said demand and costs so endorsed, without further proceedings in the cause, and it shall be lawful for the constable to receive the same and receipt therefor, which shall be a full and compleat discharge to the defendant, from said demand and costs, and if the constable shall not pay the money, so received, to the Justice who issued the process or if he shall not pay the amount of the cost into the hands of the Justice, and the debt or demand into the hands of the plaintiff named in such process, within the space of seven days, after he may have received the same, then the said constable shall be liable to pay the said plaintiff, or to his or her legal representative, double the amount of the said debt, or demand to be recovered with costs of suit, by an action of Trespass on the case in any Court

having cognizance thereof

Sect 6th And be it further enacted That the recognizance of bail to be taken as above provided, shall be in the following form to wit,

District &c. Whereas A.B. (naming the defendant) hath been arrested and is in custody at the suit of C.D. (naming the plaintiff) on action of for the sum of Now therefore I you A.B. (naming the bail) do acknowledge in your self special bail on the said action in the sum of dollars to be levied on your goods and chattels, and for want thereof upon your body if default be made in the conditions of your recognizance which condition is that the said A.B. (naming the defendant) shall be and appear before (naming the Justice) on the day of next if Judgment be given against him or her, that he or she shall pay the costs and condemnation money, or surrender his or her body in execution, acknowledged before me one of the Justices of the peace in and for the said district the day of in the year of our Lord one thousand eight hundred and And every Justice of the peace is hereby empowered to take such recognizance which shall remain with such Justice for the benefit of the plaintiff in the suit and if the defendant does not appear, after such recognizance entered into, at the time and place specified in the said

recognizance, and no sufficient reason be assigned to the said
Justice why he or she did not adjourn the said [illegible]
proceed to hear and determine the cause in the absence of
such defendant, and when the parties to any suit, to be institu-
ted by virtue of this act, shall appear at the time and place
appointed for trial, the said Justice shall proceed to hear
and examine their respective allegations and proofs, and
shall thereupon give Judgment with costs of suit, according to
the justice and equity of the case, unless he shall think it proper
in the application of either party, to adjourn the trial, which ad-
journment shall not be made for a longer period than seven
days when moved for by the plaintiff nor for a longer term
than fourteen days, when moved for by the defendant
Be it: And be it further enacted That when parties agree to
enter without process before a Justice of the peace, any act-
ion herein made cognizable before him, such Justice shall en-
ter the same on his docket, and shall proceed to Judgment
and execution in the same manner as though a summons or
warrant had been issued, served and returned; And in all
actions instituted by virtue of the provisions herein contained, in
which the plaintiff shall be nonsuited discontinue or with
draw his or her suit, without the consent of the defendant

the said Justice shall give Judgment for the defendant for
which shall accrue.

(c.5) 8th And be it further enacted, That if in any cause instituted as aforesaid, it shall appear at the trial that there is a balance due to the defendant, from the plaintiff, then the Justice shall enter up Judgment against such plaintiff in favour of the defendant for the sum so appearing to be due with costs of suit, and such defendant shall be entitled to execution in the same manner as though such plaintiff had been the defendant in the cause.

(c.6) 9th And be it further enacted, that the parties in every case arising under this act shall have the privilege of referring the matter in controversy between them, to referees who shall be chosen and mutually agreed upon between them, and who after having heard the proofs and allegations of the parties, shall make their report in writing to the Justice, and the said Justice shall receive and file the same and thereupon enter Judgment accordingly.

(c.7) 10th And be it further enacted, That when Judgment shall be given against the plaintiff or defendant under this act, the Justice who gave such judgment, shall grant execution thereon returnable to such Justice, within twenty days thereafter, commanding the constable to levy and make the

Debt or damages and costs, of the goods and chattels of the party against whom such execution hath issued sufficient to satisfy the Judgment, it shall and may be lawful for the party in whose favour such Judgment hath been made, to apply to the Justice for a transcript thereof, which duly attested shall entitle the said party to have execution of the said Judgment, together with the costs of such removal may be levied on the lands and tenements of the party against whom the same shall have been rendered. Provided always that no execution

levy and make the same, to take the body of such party, and to convey him or her to the common Gaol of the district, and the Sheriff or Keeper of such Gaol is hereby required to receive the person or persons so taken in execution and him her or them safely to keep, until the said recovery and the costs of suit be fully paid, and in default of such safe keeping, the said Sheriff shall be answerable to the party aggrieved, who shall have the same remedy against him as is provided by law in cases of escapes, but in case the constable cannot find goods and chattels belonging to the party against whom such execution hath issued

shall issue from the Court of Common pleas on [redacted]
all the goods & [redacted] of the party
ted to Gaol, until he or she shall be discharged from confine-
ment, under such execution, And provided also that when
Judgment shall be obtained against, executor, or administrator
execution shall issue thereon in the same manner, as it is issued
against them in the courts of record within the District, and
Provided also that when Judgment shall be rendered as aforesaid
against a freeholder, no execution shall issue thereon until
the expiration of three months, if the debt or demand, be
under twelve dollars, or until the expiration of six months
if such debt or demand exceed twelve dollars, from the time
of the render of such Judgment, unless the party in whose fav-
our, such Judgment hath been rendered shall make it ap-
pear on Oath to the satisfaction of such Justice, that he or she
is in danger of loosing his or her debt, or damage, if such delay
of execution be allowed, in which case the said Justice shall
issue execution forthwith, as is herein above provided, unless
the party against whom execution is moved for, shall im-
mediately give good and sufficient security to the adverse
party for the payment of the debt or damage and cost within
the space of three months (or less as the case may be.)

And provided also that if Judgment [redacted]
[illegible] against a feme sole who is not a free trader such
person shall have the execution against him or her res-
pective for the like term of three months & six months
(as the case may be) on his or her entering into recogni-
ance to the adverse party, with one sufficient security
in the nature of special bail, conditioned, to deliver the
body of the said party, to the Sheriff of the District, at or
before the expiration of the time so to be allowed, or to satis-
fy the amount of the Judgment.

And be it further enacted that if any defendant who
is not a freeholder shall appear at the return of the
Warrant, or shall appear by consent without process and
procure a good and sufficient freeholder, resident in the distr
ict to join with him or her in the confession of Judgment
to the adverse party, with costs, then such defendant shall
be entitled to all the benefits and privileges which any
freeholder is intitled to by virtue of this act.

And be it further enacted, That every Justice before whom
any action shall be commenced according to, and by virtue
of the provisions contained in this act, shall open and keep
a book, to be titled, his docket, in which he shall make

for entering the names of the parties, to each [redacted]
respectively, accompanying either the plaintiff and defendant, and on which he shall note the proceedings that may
arise in the cause in the order in which they arise and in which
he shall state every motion made by either party and every
rule or made objected to and allowed, and in which
he shall also enter the Judgment, stating the precise a-
mount of the debt, or damages and costs together with the
day on which the said Judgment was rendered
Sect 13th And be it further enacted, That it shall be the duty of
the Justice to make up and lay a bill of costs, in every ac-
tion instituted before him according to the provisions of the
law ascertaining the fees to be allowed in such cases,
setting down in the said bill, each item severally and
distinctly, a true copy of which bill, certified and signed
by the said Justice, shall be delivered to the party against
whom the Judgment hath been entered or left at his or her
usual place of abode, before such party shall be called upon to dis-
charge or satisfy the said Judgment, and every Justice who
shall issue an execution in any Judgment or receive the
amount thereof without having previously tendered to the
party against whom such Judgment hath been rendered

a certified bill of costs, as above provided a [redacted] [illegible] [illegible] [illegible

Court of Common Pleas next to be holden for [illegible]

[illegible] and [illegible] Town, [illegible] or [illegible] just en-

ter into recognizance with at least one sufficient security

in a sum at least double the amount of the said Judgment,

and sufficient to answer all costs, to prosecute the said ap-

peal with effect, and to abide the order which the Court

of Common Pleas may make therein, and upon any ap-

peal demanded from any such Judgment, the Justice

who pronounced the same shall send a transcript thereof

to the Prothonotary of the Court of Common Pleas of the

District, in which such appeal is made, on or before the first

day of the Term next following such appeal, and all proceed-

ings before the said Justice, or any process issued by him on the

said Judgment, shall be stayed from the time of demanding

such appeal, unless the party demanding the same shall ne-

glect to give the security above required: Provided

always, That no defendant shall be allowed an appeal from

a Judgment rendered against him or her unless the same shall

amount to six dollars or upwards, without costs, nor shall any

plaintiff be allowed an appeal from any Judgment rendered

against him or her, unless his or her original demand against the

defendant amounted to six dollars or upwards or from any

Judgment given for him or her, unless the required [illegible]

[illegible] appellee in the Judgment that appeal the sum

recovered by twelve dollars nor shall either party be entitled to

an appeal in any case in which Judgment hath been entered

on the report of referees appointed as aforesaid.

Sec. 15th. And be it further enacted That at the Term to which any such

appeal shall be made the person so appealing shall cause an

entry of the suit to be made by the Prothonotary of such Court

and the plaintiff in the Court below, whether appellant or

appellee, shall be plaintiff in the Court above, and after

such entry hath been made, the suit shall be considered in

the same light, and the parties shall proceed in all respects in

the same manner as though the suit had been originally in-

stituted in the said Court, mesne process returned to the Term

in which such entry is made, and reference shall be had to the

proceedings in the Court below, no further than to include in

the Judgment to be rendered in the Court above the costs stayed

in the Court below, Provided that the costs which shall accrue

for services in the Court of Common Pleas, on such appeal

shall be two third parts only of the costs allowed by law for the

same services, in suits originally instituted in the said Court

and provided also, That the Justice who rendered the Judgment

from which the appeal is made, shall not be founded to

[illegible] in the Court above

Sect. 16th. And be it further enacted, That if the plaintiff, after an appeal hath been made and entered as above provided shall file a declaration in an action not cognizable by a single Justice, by virtue of this act, the defendant may thereupon file his or her plea in abatement to the Jurisdiction of the Court, and if it shall appear to the said Court, that the said Justice had not cognizance of such suit, by virtue of this act, they shall proceed to enter Judgment for the defendant, with costs of suit, Provided that such Judgment shall not bar the Plaintiff from a recovery in a subsequent action for the same cause, instituted in a Court having cognizance thereof

Sect. 17th And be it further enacted, That whenever an appeal shall be demanded in manner aforesaid, or a writ of certiorari shall be presented to a Justice requiring him to certify the proceedings had before him in any cause arising under this act, it shall be the duty of such Justice to make a fair and accurate transcript from his docket of all the entries contained therein, relative to the said cause and to transmit the same forthwith to the proper Court, and if it shall appear that the said

Justice hath not made a just and true entry on his docket of [illegible] made by him in the cause, he may be compelled, by a writ of mandamus, to correct and complete the said entry, and forthwith to certify the same to the proper Court, and if it shall appear that any Justice hath altered or changed, or caused or suffered to be altered or changed the entries made on his Docket in matter of substance, with an intent to injure either of the parties, he shall be deemed guilty of a high misdemeanor, and on conviction thereof by indictment, shall be fined in a sum, not more than One hundred dollars, nor less than fifty dollars, and shall moreover pay the costs of prosecution and shall stand committed until the fine and fees are paid.

Sect. 18th And be it further enacted, That no Justice of the peace, by virtue of the provisions contained in this act, shall institute or sustain two or more actions or suits between the same parties for demands which are of such a nature, as by the rules of law may be consolidated in one action under the penalty of eighteen dollars to be recovered for the use, and in the name of any person who shall first sue for the same, in the same manner as is provided in the thirteenth section of this act, and every Judgment recovered against any defendant or defendants

by virtue of the provisions herein contained, may be pleaded in
[illegible] and effectual bar to any subsequent action or
suit instituted by the same plaintiff or plaintiffs, against
the same defendant or defendants, for any demand due & ow-
ing from the same defendant or defendants to the same plain-
tiff or plaintiffs, at the time of the instituting of the action
on which such Judgment shall have been obtained if the
demand on which such Judgment shall have been obtained
and the demand on which such subsequent action or suit
shall have been commenced, shall be of such a nature as by
the rules of law, might have been consolidated and joined
in one action.

Sect 19th. And be it further enacted, That this act shall not be con-
strued or understood to extend to or embrace any action of debt on
bonds for the performance of covenants, actions of covenant,
actions of assetsin, or upon any real contract, actions of trespass
on the case for battery and conversion, or slander, actions of
trespass vi et armis, or actions wherein the title of land shall
in any wise, come in question.

Sec 29th And be it further enacted, that if any person or persons

[illegible]

shall by this act made recoverable before a Justice of the peace,
in any other manner than is authorized and directed by
this act, and shall obtained a verdict or Judgment there-
in for debt or damage, which without costs of suit, shall not
amount to thirty dollars or more, not having caused an
Oath or affirmation to be made, before the issuing out of the capias
or Summons, and filed in the Office of the prothonotary or
Clerk of the Court from whence such process issued that he
She or they Do making Oath or affirmation, did truly believe
the debt due, or damage sustained, amounted to the sum of
thirty dollars, or more, he she or they Do prosecuting, shall not
recover any costs on such suit, any law, usage or custom to the
contrary not withstanding.

Sec 30th And be it further enacted, that if in any action of the case for slander or action of trespass vi et armis, that may
hereafter be instituted in any Court of record within the Com-
monwealth, the plaintiff shall recover a sum less than five dollars,
such plaintiff shall be allowed to recover two thirds of the
costs given by law in such suit and no more.

The foregoing is hereby declared to be a law for the Di-

[illegible] Territory. In testimony

whereof We William Henry Harrison Governor and Thomas

T. Davis Henry VanderBurgh, and John Griffin Judges

in and over the Indiana Territory have hereunto set our

hands at Vincennes the 1st day of October 1805 and of the

Independence of the United States the twenty ninth

Willm Henry Harrison

Tho. T. Davis

Henry VanderBurgh

John Griffin

A Law entitled a [illegible] Slaves

Be it enacted by the Governor and Judges of the Indiana Territory, authorised and empowered by an act of Congress, to make Laws for the District of Louisiana, and it is hereby enacted by the authority of the same

Sect 1st That no negro or mulattoe shall be a witness except in pleas of the United States against negroes or mulattoes, or in civil pleas where negroes alone shall be parties.

Sect. 2nd. And be it further enacted, That no slave shall go from the tenements of his master, or other person with whom he lives, without a pass, or some letter or token whereby it may appear that he is proceeding by authority from his master, employer or overseer. If he does, it shall be lawful for any person to apprehend and carry him before a Justice of the Peace, to be by his order punished with stripes, or not, in his discretion.

Sect. 3rd. And be it further enacted that if any slave shall presume to come, and be upon the plantation of any person whatsoever, without leave in writing from his or her owner or overseer, not being sent upon lawful business, it shall be lawful for the owner or overseer

of such plantation, to give order such slave, to be lashed on
his or her bare back, not exceeding thirty nine lashes for every such offence.

Sect. 4th And be it further enacted that no slave, negro or mulattoe whatsoever shall keep or carry any gun, powder, shot, club or other weapon whatsoever, offensive or defensive but all and every gun, weapon and ammunition found in the possession or custody of any negro or mulattoe, may be seized by any person and upon due proof thereof made before any Justice of the peace of the District where such seizure shall be, shall by his order be forfeited to the seizor for his own use and moreover, every such offender shall have and receive by order of such Justice any number of lashes not exceeding thirty nine, on his or her bare back well laid on, for every such offence.

Sect. 5th And be it further enacted, That every free negro or mulatto being a housekeeper may be permitted to keep one gun, powder and shot; and all negroes or mulattoes bond or free living at any frontier plantation, may be permitted to keep and use guns, powder, shot and weapons, offensive or defensive by license from a Justice of peace of the Dis-

bid wherein such plan [redacted] lies, to be obtained upon the application of free negroes or mulattoes, or of the owners of such as are slaves.

Sect 6. And be it further enacted, That every person other than a negro whose grand father or grand mother any one is, or shall have been a negro, although all his other progenitors except that descending from the negro, shall have been white persons, shall be deemed a mulatto; and so every such person, who shall have one fourth part or more of negro blood, shall in like manner be deemed a mulatto

Sect. 7th. And be it further enacted, that all riots, routs, unlawful assemblies and seditious speeches by a slave or slaves shall be punished with stripes at the discretion of a Justice of the Peace and he who will may apprehend and carry him, her or them before such Justice).

Sect. 8th And be it further enacted that to prevent the inconvenience, arising from the meetings of slaves, if any master, mistress or overseer of a family shall knowingly permit or suffer any slave not belonging to him or her, to be and remain upon

his or her plantation above four hours at any one time without leave of the owner or overseer of such slave he or she so permitting shall forfeit and pay three dollars for every such offence; and every owner, overseer of a plantation who shall so permit or suffer more than five negroes or slaves, other than his or her own to be and remain upon his or her plantation or quarter at any other time shall forfeit and pay one dollar for each negro or slave above that number, which said several forfeitures shall be to the informer and be recoverable before any Justice of the Peace of the District with costs, where such offence shall be committed. Provided always that nothing herein contained shall be construed to prohibit the negroes or slaves of one and the same owner though seated at different quarters from meeting with their owners or overseers leave, upon any plantation to such owner belonging, nor to prohibit the meeting of slaves at the usual places of worship or business at any public mill, so as such meeting be not in the night time, nor on a Sunday, nor to prohibit their meeting on any other lawful occasion by license in writing from their owner or overseer, nor their going to church and attending divine service on the

5/ Lordsday nor any other day of public worship

Sect. 9th And be it further enacted that if any white person,
free negro or mulatto shall at any time be found in company
with slaves at any unlawful meeting, or shall harbour or en-
tertain any slave without the consent of his or her owner, such per-
son being thereof convicted before any Justice of the Peace shall
forfeit and pay three dollars for every such offence, to the inform-
er, recoverable with costs before such Justice, or on failure of
present payment, shall receive on his or her bare back, men-
ty lashes well laid on by order of the Justice before whom such
conviction shall be

Sect. 10th And be it further enacted that every Justice of
the peace upon his own knowledge of such unlawful meet-
ing, or information thereof to him made within ten days
after shall issue his warrant to apprehend such persons
so met or assembled and cause them to be brought before
himself or any other Justice of the District to be dealt with
as this act directs and every Justice failing herein shall for-
feit and pay eight dollars for every such failure, and every
Sheriff or other officer, who shall fail upon knowledge
or information of such meeting to endeavour to suppress
the same and bring the offenders before some Justice of

the peace to receive due punishment shall be liable to the like
[illegible] shall [illegible]
to the informer, and recoverable with costs in any district
court by action of debt, and every under sheriff, sergeant or
constable who upon knowledge or information of such meet-
ing, shall fail to perform his duty in suppressing the same
and apprehending the persons so assembled, shall forfeit
and pay four dollars for every such failure to the informer,
recoverable with costs before any Justice of the District
Sect 11th And be it further enacted that no person whatsoever
shall buy, sell or receive of, to or from a slave any commodity
whatsoever, without the leave or consent of the master, owner
or overseer of such slave. And if any person shall presume
to deal with any slave without such leave or consent, he or
she so offending shall forfeit and pay to the master or own-
er of such slave four times the value of the thing so bought
sold or received, to be recovered with costs by action on the case
in any Court of record within this district and shall also
forfeit and pay the further sum of twenty dollars to any
person who will sue for the same to be recovered with cost
in any Court within this District having jurisdiction, or
receive on his or her bare back thirty nine lashes well laid

on; but shall nevertheless be liable to pay the costs of the suit.

And be it further enacted, That if any negro or mulatto bond or free shall at any time lift his or her hand in opposition to any person not being a negro or mulatto, he or she so offending shall for every such offence, proved by the oath of the party before any Justice of the Peace of the District where such offence shall be committed, receive such punishment as the Justice shall think proper not exceeding thirty lashes on his or her bare back well laid on, except in those cases, when it shall appear to such Justice, that such negro or mulatto was wantonly assaulted, and lifted his or her hand in his or her defence.

Sect. 13th And be it further enacted, That whereas many times slaves run away and lie hid and lurking in swamps, woods and other obscure places; killing hogs and committing other injuries to the Inhabitants of this District in all such cases, upon intelligence given of two or more slaves lying out as aforesaid, any two justices of the peace of the District wherein the slaves are supposed to lurk or do mischief, shall be, and are empowered and required by Warrant reciting their names or owners names if known, to direct the Sheriff of the said district

to take such power with him, as he shall think fit
for the better effectual apprehending such out-
lying slave or slaves and go in search of them, and
upon their being apprehended to commit them to the
Jail of his district for further trial.

Sect. 14. And be it further enacted that if any ne-
gro or other slave shall at any time conspire, advise or
conspire to rebel or make insurrection or shall plot
or conspire the murder of any person or persons what-
soever, every such consulting, ploting or conspiring
shall be adjudged and deemed felony; and the slave
or slaves convicted thereof shall suffer death and
be utterly excluded all benefit of clergy.

Sect. 15. And be it further enacted, That if any ne-
gro or other slave, shall prepare, exhibit or ad-
minister any medicine whatsoever, he or she so
offending shall be judged guilty of felony and suf-
fer death without benefit of clergy.

Sect. 16th. Provided always, That if it shall appear
to the Court before whom such slave shall be tried
that the medicine was not prepared, exhibited,
or administered with an ill intent, nor attended

[illegible] consequenced, such slave shall be ac[illegible]

[illegible]

shall be construed to extend to any slave or slaves administering medicine by his or her master or mistress' order in his or her family or the family of another with the mutual consent of the owner of such slave and the master and mistress of such family.

Sect. 18th And be it further enacted that if any master or owner of a slave shall license such slave to go at large and trade as a free man the master or owner shall forfeit and pay the sum of thirty dollars for the use of the poor of such district where such slave shall be found going at large and trading as aforesaid to be recovered by the overseers of the poor by action of debt in any court of record within this district and if after conviction such slave shall be found going at large and trading, the master or owner shall again be liable to the like penalty to be recovered as aforesaid and so as often after conviction as such slave shall be found going at large and trading

Sect. 19th And be it further enacted that if any person shall permit or suffer his or her slave to go at

hire him or herself out it shall be lawful for

any Justices of the peace in the District where apprehended, and if it shall appear to the Justices that such slave comes within the purview of this act, he shall order him or her to the Gail of the District there to be safely kept until the next Court, when, if it shall be made appear to the Court that the slave so ordered to Gail hath been permitted or suffered to hire him or herself out contrary to the meaning of this act, it shall be lawful for the Court and they are hereby required to order the Sheriff or other officer of the District, notice being given by the Sheriff or other officer at the Court House door at least twenty days before the sale, to dispose of every such slave for ready money. sell and

Sect. 20. And be it further enacted That twenty five per centum upon the amount of the sale of every slave so going at large or hiring out himself or herself shall be applied by the Court ordering such sale towards lessening the District levy, and the residue shall be paid by the Sheriff or other officer after deduct=

any fine per centum for his trouble and the value
[illegible]

Sect 21st And be it further enacted that if any person shall hereafter be guilty of stealing or selling any free person for a slave, knowing the said person so sold to be free, and thereof shall be lawfully convicted, the person so convicted shall suffer death without the benefit of clergy.

Sect 22nd And be it further enacted That if any person or persons shall steal any negro or mulatto whatsoever out of, or from the possession of the owner or overseer, of such slave the person or persons so offending shall be and are hereby declared felons and shall suffer death without benefit of clergy.

Sect 23rd And be it further enacted That where be [illegible] for any person by his or her last will and testament or any other instrument in writing under his or her hand and seal attested and proved in the District Court by two witnesses, or acknowledged by the party in the Court of the District where he or she resides

[illegible] who shall be thereupon fully and entirely discharged from the performance of any contract entered into during servitude and enjoy as full freedom as if they had been particularly named and freed by this act

Provided always that all slaves so emancipated shall be liable to be taken by execution to satisfy any debt contracted by the person emancipating them, before such emancipation is made

Provided always that all slaves so set free not being in the Judgment of the Court of sound mind and body or being above the age of forty five years or being males under the age of twenty one or females under the age of eighteen years shall be respectively supported and maintained by the person so liberating them or by his or her estate; and upon neglect or refusal to do, the Court of the district where such neglect or refusal may be, is hereby empowered and required upon application to them made, to order the Sheriff or other officer, to distrain and sell so much of the persons estate as shall be sufficient for that purpose

[redacted] instrument in his lifetime, or by last will and testament, the executors of every person freeing any slave, shall cause to be delivered to him or her a copy of the instrument of emancipation attested by the Clerk of the Court of the district who shall be paid therefor by the person emancipating eighty three cents, to be collected in the manner of other Clerks fees. Every person neglecting or refusing to deliver to any slave by him or her set free, such copy shall forfeit and pay thirty dollars, to be recovered with costs in any court of record, one half thereof to the person suing for the same and the other to the person to whom such copy ought to have been delivered.

Sect. 7th And be it further enacted, That it shall be lawful for any Justice of the Peace to commit to the Gaol of his district, any emancipated slave travelling out of the district of his residence, without a copy of the instrument of his or her emancipation, there to remain until such copy is produced and the Gailors fees paid

any slave so liberated, shall neglect in any year to pay all taxes and levies imposed, or to be imposed by law the Court of the district, shall order the sheriff or sergeant, to hire out him or her, for so long time as will raise the taxes and levies provided sufficient distress cannot be made upon his or her estate.

Sect. 26. And be it further enacted, That saving nevertheless to all and every person and persons, bodies politic or corporate and their heirs or successors other than the person or persons claiming under those so emancipating their slaves, all such right and title as they or any of them, could or might claim, if this act had never been made.

Sect. 27. And be it further enacted That all negroes and mulatto slaves in all cases of devise and bequest or otherwise shall be held, taken and adjudged to be personal estate.

Sect. 28. And be it further enacted, That if any owner, possessor of a slave or slaves as of the dower of her husband shall remove or voluntarily permit to be removed out of this District such slave or

slaves, or any of their increase, without the consent
of him or her in reversion, of such slave or slaves
and every such slave or slaves, all other the dower which
she holds of the endowment of her husbands estate un-
to the person or persons that shall have the reversion
thereof; any law, custom or usage to the contrary not-
withstanding.

Sect 29. That And be it further enacted that if
any widow possessed as aforesaid shall be married
to a husband, who shall remove or voluntarily permit
to be removed out of this district, any such slave or
slaves, or any of their increase without the consent of
him or her in reversion, in such case it shall be law-
ful for him or her in reversion, to enter into, possess
and enjoy all the estate which such husband hold-
eth in right of his wife as dower for and during the
life of the said husband.

Sect 30th And be it further enacted that where
one or more slaves shall descend from a person dying
intestate, and an equal division thereof cannot
be made in kind, on account of the nature of the
property it shall be lawful for the General Court

[redacted] of the intestate was granted to direct
the sale of such slave or slaves and the distribution
of the money arising therefrom according to the rights
of each claimant; Provided always that each claim-
ant shall be summoned to shewcause if any he can
against such sale.

Sect 31st. And be it further enacted, That no gift or
gifts of any slave or slaves shall be good or suf-
ficient to past any estate in such slave or slaves to
any person or persons whatsoever unless the same
be made by will duly proved and recorded or by
deed in writting to be proved by two witnesses at the
least, or acknowledged by the donor and recorded
in the District Court, where one of the parties lives
within eight months after the date of such deed
or writing.

Sect. 32nd And be it further enacted that this act
shall be construed to extend only to gifts of slaves
whereof the donors have notwithstanding such gifts
remained in the possession and not gifts of
such slaves as have at any time come into the
actual possession of and have remained

with the donee or some person claiming under such donee

but [illegible] forfeit in manner aforesaid, provided always, that

nothing in this act contained shall be construed to alter

any adjudication heretofore made, nor to affect the in-

terest of any bona fide purchaser for a valuable consid-

eration, or creditor of the donor before the donee hath

been at least three years in possession of such slave

or slaves under such gift.

Sect 34. And be it further enacted that no master of

any ship or any other vessel shall transport or car-

ry any servant, whatsoever, or any negro or mulatto, or

other slave out of this district without the consent or

permission of the person or persons to whom such ser-

vant or slave doth of right belong under penalty of

forfeiting and paying one hundred and fifty dollars

for every servant or slave transported or carried hence

contrary to this act; one moiety to the district and

the other moiety to the owner of such servant or

slave to be recovered with costs by action of debt

or information in any Court of record in this dis-

trict and moreover such master shall be liable to the

suit of the party greved, at the common law for

his or her damages.

And be it further enacted that in every suit which shall be brought against the master of a ship or vessel under this act, the Court wherein the same shall be depending may rule the defendant to give special bail, if they see cause and shall not allow him to plead in bar, or give in evidence any act or statute of limitation any former or other law to the contrary notwithstanding.

The foregoing is hereby declared to be a law for the District of Louisiana to take effect accordingly. In testimony whereof we William Henry Harrison Governor and Thomas T. Davis Henry Vanderburgh and John Griffin Judges in and over the Indiana Territory have hereunto set our hands at Vincennes the first day of October one thousand and eight hundred and four and of the Independence of the United States the twenty ninth.

Willm Henry Harrison

Tho. T. Davis

Henry Vanderburgh

John Griffin

4 — A law regulating County rates and levies.

Be it enacted by the Governor and Judges of the Indiana Territory, authorized and empowered by an act of Congress to make laws for the District of Louisiana, and it is hereby enacted by the authority of the same.

Sec 1st. That all houses in town, town lots, out lots, and mansion houses in the country, which shall be valued at two hundred dollars and upwards, and all able bodied single men, who shall not have taxable property to the amount of four hundred dollars, all water, and wind mills, and ferries, all stud horses, and other horses, mares, mules, and asses, three years old and upwards, all neat cattle three years old and upwards, all bond servants and slaves except such as the court of quarter sessions shall exempt for infirmities, between the ages of forty years of age, within this District, are hereby declared to be chargeable for defraying the county expenses in which they may be respectively found, to be taxed and collected in such manner and proportion as hereinafter directed.

Sec 2nd. And be it further enacted, that the sheriffs

in the several Districts within this shall
and are hereby empowered and required as hereinafter mentioned, to receive from each and every person or persons chargable with taxes, under this law, a written list under oath containing a just and true amount of all and every species of property in his or her possession, or care, subject to taxation under this law; and the said sheriffs respectively are hereby empowered and directed to administer the following oath or affirmation, to such persons: I A B do solemnly swear or affirm (as the case may be) that this list signed by me contains a just and true amount of all persons and of every species of property, in any possession, or care within this District and that no contract, shift or contrivance, fraudulent made or entered into, or any other method devised practised or used by me, in order to evade the payment of taxes.

Sec 3d. And be it further enacted, that the said sheriff shall advertise at the county town, and also in each and every district township in their that he will attend at a convenient place therein to be nam

tioned, not within five days of such advertisement in each township, to receive of each person a list of all the taxable property which they possess as above mentioned and the said persons are hereby required to attend, at such time and place in their respective townships therefor accordingly—

Sect. And be it further enacted, That if any person or persons shall give or deliver to a sheriff a false or fraudulent list of persons or property, subject to taxation or shall refuse to give a list on oath or affirmation at such time and place, to the sheriff the person or persons so refusing shall be liable to a fine of fifteen dollars, and the sheriff shall proceed to list such person or persons property agreeably to the best information he can procure, and all such property so ascertained shall be in manner subject to a triple tax to be collected and distrained for by the sheriff of the as in other cases, and in the case of an imperfect, false or fraudulent list, the person or persons giving the same, shall be subject to a fine of fifteen dollars, and the property subject to a triple

tax. which fine and triple tax shall be recovered
in the Court of common pleas by the follow-
ing mode of proceeding and applied as hereinafter
directed.

Sec 5th. And be it further enacted, that the sheriff shall
give information thereof personally or if unable to
attend, in writing under his hand to the next court
of common pleas held for his which court
shall forthwith direct the Prothonotary to issue
a summons requiring the party to appear at the next
court to be held for the to shew cause if any
he can, why he should not be fined and triply taxed
for giving an imperfect or fraudulent list of his
or her taxable property, and the person or persons up-
on being served therewith by the Sheriff or Deputy
hearing shall immediately plead to issue and the
matter thereof shall be enquired into by a Jury
or the Court, at the defendants option, and on con-
viction, or the person not appearing being summ-
oned, the fine and triple tax shall be establish-
ed by the Judgment of the Court, who on his
good cause shewn at the next succeeding court

for such failure, shall award execution for the fine and costs and certify the amound of the tax, to the sheriff for collection, the amount of which fine after deducting thereout such allowance as the court may think reasonable to make the coroner for his extraordinary trouble on the occasion shall be applied towards lessening the county levy, and the whole tax shall be charged to the sheriff and accounted for in like manner as other taxes.

Sec 6. And be it further enacted, that every person or persons having knowledge of any incorrect, false or fraudulent, list being given a sheriff, shall thereof give information, either to a sheriff or the county court of common pleas in like manner as the sheriff is directed, and thereupon the same proceedings shall be had, as if the sheriff gave information and the person informing shall be entitled to receive one half of the fine imposed on the offender or offenders to his own use, the other half to be applied towards lessening the county levy.

Sec 7. And be it further enacted, that in case any person

taxable, should not attend at the time and place
aforesaid by the sheriff, to give in a list of his taxable
property, and it should appear to the sheriff that
such absence was not intentional or done with a
view of avoiding the delivery of such list, it shall
be lawful for the sheriff to receive his or her list
at any time, at the dwelling house of the sheriff
Provided, such person tenders his or her list to the
Sheriff, and makes oath of the justness of it, on or
before the twentieth day of March annually, and
in case of failure, the sheriff shall proceed in
the manner as is before directed in case of refusal
to give in lists, and the court shall determine upon
the circumstances whether to inflict or remit the
fine and treble taxes

Sec. 5. And be it further enacted, that the sheriffs in the
several townships of the District shall
and they are hereby required to make two fair
fair and complete lists of the persons and prop-
erty so taken in, and arranged in alphabetical
order in manner following, to wit:

one of which he shall keep and the other together with the vouchers taken by him as aforesaid shall deliver to the clerk of the court of quarter sessions on or before the last day of March yearly.

Names of persons	Number of hands employed and slaves	Number of Horses &c. above three years old	Number of neat cattle above three years old	Number of sheep	Pays the license

Which list and vouchers the clerk shall file in his office and the clerk of the said Court shall make thereof a true transcript, which he shall lay before the court at the same term, at which they audit the public accounts for their examination and allowance,

The bill of tax being allowed by the said court they shall annex thereto their warrant, under their hand and seal of the presiding Justice and the clerk of the said Court, shall, ten days thereafter, deliver the same to the sheriff for collection, for which and for all other services rendered under this law, the said Clerk shall receive from the ten dollars. Every sheriff so charged, shall collect all sums for which he is

accountable, within four months after he is charged with the collection of the same, and shall be allowed in full compensation for his trouble, in taking on the property and collecting the levy, ten per centum on all sums by him collected. And the said sheriff shall previously to his entering upon those duties take and subscribe before any Justice of the peace the following oath or affirmation.

I do solemnly swear or affirm (as the case may be) that I will faithfully and impartially execute the office of Collector of according to the best of my abilities" which oath (or affirmation) shall be filed by said Justice, with the clerk of the court of quarter sessions, and the said sheriff enter into a bond, in the penalty of two thousand dollars payable to the Governor of the and his successors in office, with two or more responsible sureties, and found for the faithful collection, accounting for and paying the sums wherewith he shall be chargeable as collector of the in manner directed by law; and every sheriff so charged to collect the taxes and levies, may appoint one or more deputies to assist him as well in taking in

the forfeitg. as in the collection of the levy. for whose en-
forcement he shall be entitled to order. Deputies shall have
the same power as the sheriff himself and such sheriff
shall have the same remedy and mode of recovery a-
gainst his Deputies. or either of them and their sureties re-
spectively. for any sums of money which by virtue of this
law such sheriff may be subject to the payment of on
account of the transactions of any his Deputies as he him-
self is subject to by law; and all monies collected by the
sheriff as aforesaid shall remain in his hands subject to
the orders of the court of quarter sessions of each
respectively for the payment of the debts of
the.

Secg. And be it further enacted. that the following rate of
taxation be observed by the court of quarter sessions
in levying the tax on each horse mare
mule or ass a sum not exceeding fifty cents. on all
neat cattle as aforesaid a sum not exceeding ten
cents. on every stud horse a sum not exceeding the
rate for which he stands at the season. Every bond
servant and slave as aforesaid, a sum not exceeding
one hundred cents, and every able bodied single man

of the age of twenty one years and upwards: who shall not ~~be taxed for property~~ to the amount of four hundred dollars a sum not exceeding two dollars nor less than fifty cents

Sec III. And be it further enacted that it shall be the duty of the board of quarter sessions throughout this District at the first term next after the last day of March annually and at other special sessions as they shall appoint to proceed and audit and adjust all claims and demands against their allowing all just claims and demands which now are or hereafter shall be chargeable upon the said respectively

Sec IV. And be it further enacted, that the several courts of quarter sessions throughout this district at their court preceding the thirty first day of March annually appoint two discreet freeholders in each township who shall proceed to appraise and value each house in town, town lot, town out lot, and mansion house in the country of the value aforesaid and also appraise and value all water and wind mills situate on such tract of the country, as may be assigned to them respectively by the court of quarter

sessions, taking into view the situation and value of the
[illegible] the said freeholders after having fixed such
valuation, shall proceed and make two fair alphabet-
ical lists thereof, stating the proprietors or occupiers
of such lots and mills with the valuation of each
annexed to the same on form following, viz.t:

Proprietors occupiers or occupiers names	Town lots and out lots	Wind and water mills	Horses &c.	Valuation

One of which lists of valua-
tion the said freeholders shall
keep, and deliver the other to
the quarter sessions at the next
court to be held for said
which lists shall
be filed by the Clerks in
their respective offices and the said quarter sessions shall
at the same time when they lay the tax levied
thereon not exceeding thirty cents on each hundred
dollars of each appraised value.

Sec 12. And be it further enacted, That it shall be the duty
of the Court of quarter sessions throughout this
District at the same term at which they audit
the public accounts of the Sheriff for monies collected
and paid by him as aforesaid, and having allowed

all such claims and demands against the as

~~of a fund sufficient to~~ provide to ascertain the proba-

ble expenses of the county, the aggregate amount of claims

allowed and also such sum or sums of money as will

be necessary to carry into effect any contract that shall

or have been made for building and repairing any coun-

ty Jail, Courthouse or Bridge adding thereto the

expense of collection and such other sum or sums of mo-

ney, as the said Court of Quarter Sessions shall conceive

needful to make good deficiencies in collections in-

solvencies delinquencies and other contingencies.

And the said Court shall take into view the mo-

ney (if any there be) in the treasury, the probable

amount that will be raised from licences, to

vend and retail merchandize, Tavern Licences

and taxes on ferries and other sources of com-

petence such as fines, forfeitures &c. after

which the said Court shall proceed to lay a

tax upon the owners, proprietors, or occupiers

of all and singular the objects of taxation insti-

tuted out by this or any other law having due

reference to the returns of the sheriffs and pro-

holders aforesaid and the rule of taxation duly
prescribing by the said report and effected hereby
by this Law, so as to raise a sum of money sufficient to answer and satisfy all demands then
existing against the said County, or which shall
afterwards become due by virtue of any contract
or contracts by the said Court of Quarter Sessions
on behalf of the County as aforesaid previously
made and entered into, and to answer such other
contingent County expenses as the necessities
of said County require.

Sec 13. And be it further enacted That from and after
the first day of March next every person or persons
this District having or occupying or possessing
of Merchandize other than produce or manufactured of this District shall annually on or
before the first day of June in each year take out
a license for sale by himself or agent
within the District or on any of the roads within
or bounding the same, pay to the sheriff for
the use of the County, in which he or she resides
or offers such merchandize for sale the sum
of fifteen dollars for each store or stand in which

he or she may vend any such merchandize and the Sheriff or Collector shall give such person paying as aforesaid a certificate in the words following, viz^t

District of Upper Louisiana

the day of one thousand eight hundred and This certifies that A.B. is authorized to vend merchandize within this District for one year from the date hereof the said A.B. having this day paid to me C.D. Sheriff of the said the sum of Dollars & being the annual tax imposed on the retailers of merchandize by a law of this District

C.D. Sheriff of the

Any person obtaining a certificate as aforesaid shall be authorized to vend and sell merchandize by retail in this District for one whole year from the date of the same; and no longer

And if any person or persons shall after the first day of March next assume to himself or against to vend or sell any kind of merchandize within this District or on any of the waters aforesaid

not the growth or manufacture of the District -
and shall procure a certificate as aforesaid
he she or they so offending shall for every such
offence forfeit and pay a sum not exceeding eight
ten dollars to and for the use of the in
which the offence shall have been committed
to be recovered at the suit of the Sheriff whose
duty it is hereby made to prosecute thereon before
any court proper to try the same. And the Sheriff
is hereby required to keep a fair account of all
monies received as aforesaid and also a regular
account of the dates of all the certificates given
by him to retailers or venders of merchandize
under this law. And it shall be the further
duty of the sheriffs respectively to lay the
same before the court of quarter sessions
at the same time at which they ought the pub-
lic accounts annually.

Sec 4th And be it further enacted, That it shall
be the duty of the court of quarter sessions in
each and every District at their session next
after the thirty first day of March annually

to fix and establish a reasonable tax or duty upon each ferry within the respective Districts the said Court in fixing said tax to take into consideration the value and income of said ferris. Provided that no one ferry shall be taxed in one year more than ten dollars And it shall be the duty of the courts of quarter sessions when they lay the District tax to tax the owners or proprietors of such ferris accordingly

Sec 15 And be it further enacted that if any sheriff shall take demand or receive of any person from whom taxes are due more than his or their proper taxes or shall in any sale of property taken for taxes act contrary to the true intent and meaning of this act or shall neglect or refuse to render a just and true account of all such taxes to the District court of quarter sessions he shall forfeit and pay any sum not exceeding one hundred dollars to be recovered by action of debt Qui Tam or by indictment before said court having jurisdiction, the one half

to the person suing for the same. and the other half to the use of the District ~~and received to subject~~ to the suit of the party injured for damages.

Sec 16. And be it further enacted, that all sheriffs shall settle and close their accounts annually with the District courts of quarter Sessions at the second term after the period at which they are obliged by this law to finish the collection of taxes. and shall on their settlement be credited for all the sales of the said court by them produced. and by such deficiencies arising from delinquencies and insolvencies as the said court shall allow together with the commission and paying the monies by them received. But should any such sheriff fail or neglect to settle his accounts in manner aforesaid. it shall be the duty of the Attorney prosecuting the pleas in the respective Districts. on giving such delinquent Sheriff and his security their Executors or Administrators. ten days notice thereof in writing delivered personally or left at their usual place of abode. on motion to obtain a Judgment

against them before any court having competent jurisdiction for the amount due such District with an interest of twelve per cent thereon from the time the same became due. Provided always that if any such defaulting Sheriff shall produce his account authenticated as aforesaid to the court to which he is notified Judgment shall not be taken for more than the balance due the county with interest as aforesaid Sec 17. And be it further enacted that the several courts of quarter sessions shall have power and they are hereby authorised to make enter into contracts in the name and on behalf of their said District for building erecting or repairing district Gaols Courthouses Bridges Floors and Weighing posts and district bridges when and so often as the courts of the quarter sessions may conceive the interest or convenience of said Districts may require. And the better to carry such contract into operation the said courts respe-

lucky may appoint one or more persons to superin-
tend such building or repairs and see that the same
is done agreably to the conditions of such contract and
to make reasonable allowances to such person or persons
for his or their services therein. The original contracts
so by the said courts to be made for the purposes aforesaid
shall be filed in the office of the Clerk of the said
Court. And the said Courts are hereby authorized and
required to pass and allow the accounts and
demands arising under such contracts made by said
courts. the same being certified by three Justices of
said court. and to draw orders in favor of successful
ors. in like manner as they draw other orders on the
Treasury. Provided. Always that no such contracts
by the said courts to be made shall be of any force or
authority to warrant the said court to allow or pass any
accounts or demands arising thereon unless the person
contracting with the said court shall enter into bond with
one or more sufficient surety or sureties to be approved
of by the said court in double the sum of said con
tract. payable to the malices of said courts for said Dis-
tricts or their successors in office conditioned for the faithful

performance of such contract, which bond when executed shall be kept with the Clerk of said court in trust for said District

Sec 18. And be it further enacted. That if any Justice of the peace. sheriff as collector. Grower. clerk of the Assessors lister or freeholder. shall neglect or refuse to do or perform any of the duties required of them or either of them by this law. he she or they shall forfeit and pay any sum not exceed one hundred dollars. be recovered before any court having jurisdiction by action of debt Bill Suit or indictment. one moiety to the prosecuting for the same and the other to the use of the District.

Sec 19. And be it further enacted. That if any person charged with District taxes or levies by virtue of this act. shall neglect or refuse to pay the same to the collector or his deputy within three months next after the court of quarter sessions at which the District tax or levy is or shall be approved. the Collector or his Deputy shall have power to take the property of such delinquent (he first having demanded the same or furnished such levy or with the sum of his or her tax ten days

before such distress made or having left a copy of such
inventory as aforesaid, at the usual place of abode
of such delinquent) and may proceed to sell the
same to the highest bidder. Provided always that
ten days previous notice of such sale be given by ad=
vertising the same at the most public place in the
township where such delinquent resides. And provi=
ded also that the delinquent may at any time
before the property distrained, be sold, ask for de=
mand and receive the same on tendering his or
her taxes therefor, and the expenses of keeping
the property distrained. And in case the property ta=
ken sells for more than the taxes that are due, the
collector shall pay the overplus (after deducting
reasonable expenses for keeping and taking care
of such property) to the person from whom the
same was taken. And the said collector shall
keep a fair and regular account of all such
sales, stating particularly what he demands
for his trouble in keeping the property &c. and
lay the same before the Court of quarter Sessions
who shall examine the same and if they find the

Collector has acted in any wise improper they shall forthwith be punished and to the party injured

Sec 20. And be it further enacted. That it shall be the duty of the Householders in each respective District to give unto the Sheriff at the same time that they deliver in a list of their taxable property, and under the like form a list of the names of all single men (above the age of twenty one years and who have not taxable property to the amount of four hundred dollars) who lodge or dwell in their respective houses and of any such single man &c as above mentioned shall neglect or refuse on application being made to him for the purposes by the Sheriff or his Deputy, to pay his tax it shall be lawful for such Sheriff or Deputy to commit such delinquent to the District Jail where he shall remain until the said tax shall be paid unless some responsible person in the opinion of the Sheriff shall be forthcoming therefor.

Sec 21. And be it further enacted, That the Office of District Treasurer in each of the Districts in this District shall be performed by the Sheriffs in each of the districts respectively, who shall be allowed two per centum on

all the monies by them paid upon the orders of the Court of general pleas or otherwise conformable to law.

The foregoing is hereby declared to be a law for the District of Louisiana, to take effect accordingly In testimony whereof we William Henry Harrison Governor and Thomas T. Davis, Henry Vanderburgh and John Griffin Judges we and over the Indiana Territory, have hereunto set our hands at Vincennes the first day of October the Thousand eight hundred and four, and of the Independence of the United States, the twenty ninth

Wm Henry Harrison

Tho. T. Davis

Henry Vanderburgh

John Griffin

§ An act establishing and regulating the militia

Be it enacted by the Senate and House of Repre-
sentatives of the United States of America in Congress assembled and
and Territory thereof, authorized and empowered by an act of
Congress to make laws for the District of Louisiana
and it is hereby enacted by the authority of the same,
That all the male inhabitants in the Dis-
trict between the age of sixteen and fifty shall be
liable to and perform militia duty, and shall as
soon as possible be formed into Regiments, each re-
giment to consist of two Battalions, each Battalion
of not more than four nor less than three Compa-
nies, and each Company of not less than forty, nor
more than eighty non commissioned officers and
privates. Provided always, that when the number
of militia in a District is not sufficient for a
Regiment they shall compose a separate Battal-
ion, or be formed into independent companies as
the one or the other may be found most convenient.
Sec 2nd And be it further enacted, that there shall be
appointed to each company, one Captain, one Lieu-
tenant, one Ensign, four Sergeants, four Corporals,
one Drummer and one Fifer. To each Battalion

One Major and to each Regiment one Lieut Colonel
~~Lieutenant Col. Regimental staff, shall con-~~
sist of one adjutant, one quarter master and one
Paymaster, to be chosen from amongst the subal-
tern officers if fit persons can be found, one sur-
geon, one surgeons mate, one Sergeant major, one Quar-
ter Master Sergeant, one Drum Major and one
fife Major.

Sec. 3d And be it further enacted, that each militia man
shall provide himself within six months from
the date of his enrollment, with a good musket,
a sufficient bayonet and belt, or a rifle, two
spare flints a knapsack and a pouch with a
Box therein to contain not less than twenty four
cartridges suited to the bore of his musket or rifle
each cartridge to contain a proper quantity of
powder and ball, or a good rifle, knapsack,
pouch and powder horn with twenty balls suit-
ed to the bore of his rifle, and a quarter of a pound
of powder: and every enrolled person shall so
appear armed, accoutred, and provided, when
called out to muster, or into service, except when

called out on company days to exercise only, he may appear without a bayonet & not be compelled to do duty, and that the commissioned officers shall severally be armed with a sword or hanger and espontoon, and every citizen so enrolled, and providing himself with arms, ammunition and accoutrements required as aforesaid shall hold the same exempted from all suits, distresses, executions or sale for debt, damages or the payment of taxes—

Sec. 4th. And be it further enacted, that the Judges of the Supreme Court of the District the Attorney General, Clerk of the Supreme court, all ministers of the gospel licensed to preach according to their sect, all keepers of Jails, and such other persons as are exempted by the laws of the United States, shall be and hereby are exempted from militia duty.

Sec. 5. And be it further enacted, that every officer commissioned by virtue of this act, shall previous to his entering on the execution of his respective office take the oath of allegiance to the United States, and the following oath or affirmation, to wit, I do solemnly swear (or affirm as the case

may be,) that I will faithfully and justly execute the duties of ~~my~~ the office of the militia of the according to the best of my abilities. so help me God. which oath or affirmation shall be endorsed on the back of the commission, by the person administering the same,

Sec. 4. And be it further enacted, that there shall be an adjutant general appointed, in the District, whose duty it shall be to distribute all orders from the commander in chief of the District, to the several corps: to attend at public reviews, when the commander in chief shall review the militia or any part thereof; to obey all orders from him, relative to carrying into execution, and perfecting the system of military discipline established by this act. to furnish blank forms of the different returns that may be required, and to explain the principles on which they should be made, to receive from the several officers of the different corps throughout the District, returns of the militia under their commands, reporting the actual situation of the arms, accoutrements, and ammunition, their

delinquencies, and every other thing which relates to the preservation of good order and discipline, all which the several officers of Regiments, Battalions and companies are hereby required to make in the usual manner, so that the adjutant General may be duly furnished therewith; from all of which returns he shall make proper abstracts, and lay the same annually before the Commander in chief of the District. Provided always that the adjutant General of the militia of this District be ex officio inspector general of the same.

Sec 7 And be it further enacted, that the non-commissioned officers shall be appointed by the commandants of Corps, upon the recommendations of the Captains and if any person so appointed shall refuse to perform the duties of his office, he shall be fined by a court martial in any sum not less two nor more than twenty dollars.

Sec 8. And be it further enacted, that the bounds in which the several Battalions and companies are to be called, shall be fixed by a board com-

posed of all the captains and field officers of each respectively, the place to be named by the commandant at some convenient place for the purpose.

Sec 9. And be it further enacted, that there shall be private musters of each company, once in every two months at such time and place as the commandant thereof shall appoint, except in the months of December, January, February and March of every year.

There shall be a muster of each Battalion in the month of April in every year, to be appointed by the commandants of Regiments and one of each Regiment in the month of October in every year, unless from the dispersed situations of the companies it should be dispensed with by the Commander in Chief, in which case as many companies as can conveniently assemble shall be mustered at one place.

Sec 10th And be it further enacted, that every officer and soldier shall appear at his respective muster field on the day appointed by eleven o'clock

and at every muster each Captain or commanding officer of a Company shall direct a Sergeant of his company in his presence to call the roll at half past eleven O'clock precisely examine every person belonging thereto and note down all delinquencies occurring therein, and make return thereof as well of the strength of the company, number of rifles, muskets, bayonets swords &c. on parade, to the commanding officer of his Battalion within ten days after any such Regimental Battalion or Company muster. And every Commanding officer of a Battalion shall at his regimental or battalion muster (as the case may be) at the hour on which the Battalion is to be formed, in like manner proceed to call the names of the commissioned officers of his battalion, examine and note down all delinquencies, and make return thereof, together with the reports from commanding officers of companies, to the commanding officer of the Regiment to which he belongs within fifteen days next succeeding such battalion or regimental muster (as the case may be)

Sec 11th And be it further enacted, that the commanding officers of each regiment, battalion or company rated after a muster of his regiment, or of the battalion of the same, shall cause the adjutant of his regiment, to make out a complete return, of the same (agreeable to such forms as shall be furnished by the adjutant general, not particularly its strength and number of arms,) to the inspector of the brigade.—

Sec 12th And be it further enacted, that if any militia man shall neglect or refuse to attend at any company muster fixed under the authority of this law, he shall be fined, in a sum not exceeding seventy five cents, unless he shall render an excuse, to the satisfaction of the commanding officer, of his corps;—

If any private man shall neglect or refuse to attend at such times as may be fixed for the regular muster of his corps or shall neglect or refuse to attend at such time and place as the commander in chief may specially direct for muster, review and exercise, he shall be

fined in the sum of cents. unless ex-
cused as aforesaid.

Sec 13. And be it further enacted, that the fathers shall be bound for the payment of fines incurred by their sons, under the age of twenty one Guardians, for the payment of fines incurred by their wards, and masters for the payment of fines incurred by their apprentices, and be charged therewith by the collectors of fines accordingly.

Sec 14. And be it further enacted, that all fines collected as aforesaid, and paid to the quarter Master of the regiments, shall by them be appropriated under the direction of the Commandant of the corps to the purchase of Drums, fifes and colours.

Sec 15. And be it further enacted, that if any bystander non-regimental, Volunteer or Company muster shall insult or threaten molest any officer or soldier, whilst on parade, the commanding officer of the regiment, battalion troop or company (as the case may be) may order such person or persons, put under guard for any time not exceeding, six hours and to pay a fine not exceeding, four dollars, which

shall be collected as other militia fines

Sec 16 And be it further enacted, that whenever it may be necessary to call into actual service any part of the militia on actual or threatened invasion of this District or of any of the neighboring states, that it shall and may be lawful for the Governor to order into actual service such part of the militia as the exigency may require

Sec 17 And be it further enacted, that if any sudden invasion shall be made or threatened to be made into any District within this District by Indians or any other power the commanding officer of the militia of such District is hereby authorized and required to order out the whole or such part of the militia of his District as he may think necessary on such invasion in such manner as he may think best for repelling such invasion, and shall call on the commanding officers of the adjacent Districts for such aid as he may think necessary, who shall forthwith in like manner furnish the same. And it shall be the duty of every commanding officer of a District upon

receiving information of the intended invasion of the adjoining Military District forthwith to convey information of the same by special messenger or otherwise to the Governor of the District for the time being, that he may make the necessary arrangements for repelling the same

Sec 18. And be it further enacted, that if any male as aforesaid shall neglect or refuse to appear upon the order of the Commander in Chief, or other officers as aforesaid, for guards or other ordinary military duty, or refuse to perform the same, he shall be fined in the sum of one hundred cents, which offence shall be heard and determined by the officers of the Company to which the offender may belong, and upon conviction a warrent of distress shall issue from the Commander of such company directed to either of the Sergeants of the same, requiring him to collect the fines aforesaid, and pay the same into the Quarter master of the Regiment within twenty days next after issuing such warrant, for the second and all succeeding offences in the case above mentioned, the person charged with having committed

the same. shall be heard tried and sentenced by Court Martials

Sec 19. And be it further enacted. That if any male inhabitant as aforesaid shall neglect or refuse to appear and perform his duty under the orders of the Commander in Chief, against an enemy invading the District or shall refuse, disobey, or neglect the orders given by his officers or any of them in time of action, he shall be deemed guilty of cowardice and desertion, and be heard tried and sentenced by a Court martial.

Sec 20. And be it further enacted that all officers shall be attentive to the forming disciplining parading and commanding their respective corps and to such other duties as shall respectively by this law and the orders from time to time to be given by the Commander in Chief

Sec 21. And be it further enacted that if any officer shall be guilty of a breach of this law, or in any respect violate or neglect his duty he shall be heard tried and sentenced by a court martial

Sec 22nd And be it further enacted that a court martial

shall consist of not more than thirteen members, nor less than five whereof one at least shall have rank superior to that of Captain.

Sec 23d. And be it further enacted, that all court martials shall be appointed by the commander in Chief, or the commanding officers of a Regiment or Battalion; but the commander in chief only shall have the power of approving and carrying into effect sentences of court martials, whereby the punishment shall be capital, or an officer cashierd.

Sec 24. And be it further enacted, that when in the opinion of the Commander in Chief such corps can be conveniently raised, and equipped, Independent troops of Horse, and companies of Artillery, Grenadiers, Light Infantry, and Rifle men may be formed, which shall be officered armed and wear such uniform as the commander in chief shall direct.

The foregoing is hereby declared to be a law for the District of Louisiana, to take effect accordingly, In Testimony whereof We William Henry Harrison, Governor and Thomas T. Davis, Henry Vandenburgh and John Griffin

Judges in and over the Indiana Territory have here-
to[illegible] Court of Records at Vincennes. the first day of
October One thousand eight hundred and four
and of the Independence of United States
the twenty Ninth

Willm Henry Harrison.
Jn. Johns Davis
Henry VanderBurgh
John Griffin

6 An Law entitled a Law establishing Recorders offices

Be it enacted by the Governor and Judges of the Indiana Territory authorised and empowered by an act of Congress to make laws for the District of Louisiana and it is hereby enacted by the authority of the same

Section 1st That there shall be an office of records in each and every district which shall be called and titled the Recorders Office and shall be kept in some convenient place in the said respective districts and the Recorder shall duly attend the service of the same, and at his own proper costs and charges and shall provide parchment or good large books of royal or other large paper well bound and covered wherein he shall fairly record in a fair and legible hand all deeds and conveyances which shall be brought to him for that purpose according to the true intent and meaning of this law

Section 2nd And be it further enacted That all deeds to be recorded in pursuance of this Law whereby any

estate of inheritance, in fee simple, shall hereafter be limited to the grantor and his heirs, the words grant, bargain, sell, shall be adjudged an express covenant to the grantee, his heirs and assigns; to wit, that the grantor was seized of an undefeasible estate, in fee simple, freed from incumbrances done or suffered from the grantor (except the rents and services that may be reserved) as also for quiet enjoyment against the grantor, his heirs and assigns, unless limited by express words contained in such deed, and that the grantee, his heirs, executors, administrators and assigns, may in any action assign breaches, as if such covenants were expressly inserted. Provided always, that this law shall not extend to leases not exceeding twenty years, in which the actual possession goes with the lease.

Sec. 3d. And be it further enacted, That if any person shall forge any entry of the acknowledgments, certificates, or endorsements, whereby the freehold, or inheritance of any man

may be charged he shall be liable to the penalties against forgers of false deeds. And if any person shall perjure himself in any of the cases here mentioned he shall incur the like penalties as if the oath or affirmation had been in any court of record.

Sec. 4th. And be it further enacted, That every mortgagee of any real or personal estate in this District having received full satisfaction and payment of all sum and sums of money as are really due to him by such mortgage, shall at the request of the mortgager enter satisfaction upon the margin of the record of such mortgage, recorded in the said office, which shall forever thereafter discharge, defeat and release the same, and shall be pleadable in all actions brought or to be prosecuted thereupon.

Sec. 5: And be it further enacted, that if such mortgagee, by himself or his attorney, shall not within three months after request and tender made for his reasonable charges, repair to the said office and there make acknowledgment as

aforesaid: he, she or they, neglecting so to do, shall for every such offence, forfeit and pay unto the party or parties aggrieved any sum not exceeding the mortgage money; to be recovered in any court of record, by bill plaint or information.

Sec. 6. And be it further enacted, That there shall be appointed a recorder in every district now or hereafter to be erected. But before any of the said recorders enter upon any of their said offices, they shall become bound to the Governor and his successors, with one or more sufficient sureties, in a bond for fifteen hundred dollars, conditioned for the true and faithful execution of his office, and for delivering up the records and other writings, belonging to the said office, entire, safe, and undefaced, to his successor in the said office. Which said respective bonds shall be filed in the secretary's office, and there safely kept to be made use of for making satisfaction to the parties that shall be damnified, or aggrieved as is or shall be in such cases directed by law.

Sec 7– And be it further enacted, That no recorder, whatsoever now or hereafter appointed as aforesaid, shall enter upon or officiate in his said office before he hath given such security as aforesaid, upon pain of forfeiting the sum of three hundred dollars. One half to the district and the other half to him or them who shall sue for the same, to be recovered as aforesaid–

Sec 8th And be it further enacted, That all deeds and conveyances which shall be made and executed within this District, of or concerning any lands, tenements or hereditaments therein, or whereby the same may be any way affected in law or equity, shall be acknowledged by one of the grantors, or bargainors, or proved by one or more of the subscribing witnesses to such deed, before one of the Judges of the general court or before any of the Judges of the court of common pleas of the district where the lands conveyed lies, and shall be recorded in the recorders office of the district, where such lands or hereditaments are lying and being, within twelve months after the execution of such deed or conveyance, and every such deed and conveyance, that shall at any time after the publication hereof, be made and executed and

which shall not be proved and recovered as aforesaid shall be adjudged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration unless such deed or conveyance be recorded as aforesaid before the proving and recording of the deed or conveyance under which such subsequent purchaser or mortgagee shall claim

Sec 4th. And be it further enacted that where the grantor and witness of any deed or conveyance are deceased or cannot be had it shall and may be lawful to and for the Judges of the general court or any Justice of the court of common pleas of the district where the land lies to take the examination of any witness or witnesses on oath or affirmation to prove the handwriting of such deceased witness or witnesses, or where such proof cannot be had them to prove the handwriting of the grantor or grantors, which shall be certified by the Judge or Justice before whom such proof shall be made; and such deed or conveyance being so proved shall be recorded as is usual in other cases directed above in this law.

Sec. 10. And be it further enacted, that every recorder shall keep a fair book in which he shall immediately make an entry of every deed or writing brought into his office to be recorded, mentioning therein the date, the parties, and place where the lands tenements, or hereditaments granted or conveyed by the said deed or writing are situate, dating the same entry on the day on which such deed or writing was brought into his office, and shall record all such deeds and writings in regular succession according to their priority or time on being brought into the said office, and shall also immediately give a receipt to the person bringing in such deed or writing to be recorded, bearing date on the same day with the entry and containing the abstract aforesaid, for which receipt he shall take or receive no fee or reward whatever, and if any recorder shall record any deed or writing before another first brought into his office to be recorded, or in any other manner than is herein directed, or shall neglect or refuse to make such an entry, or to give such a

except as is herein before directed, or shall directly or indirectly take or receive any fee or reward for such entry and receipt, or either of them, he shall forfeit and pay for such offence a sum not exceeding three hundred nor less than one hundred dollars. One half to the use of the district, and the other half to him or them that shall sue for the same, to be recovered in any court of record, by action of debt, bill or plaint, wherein no essoin, protection, or wager of law, or more than one imparlance shall be granted.

The foregoing is hereby declared to be a law for the District of Louisiana to take effect accordingly. In testimony whereof, we William Henry Harrison Governor and Henry Vanderburgh and John Griffin Judges in and over the Indiana Territory, have hereunto set our hands at Vincenny, the first day of October one thousand eight hundred and four and of the Independence of the united States the twenty ninth.

Wm Henry Harrison

Wm T. Davis

Henry Vanderburgh

John Griffin

March 24, 1841.

A law regulating the Practice of Attornies

Be it enacted by the Governor and Judges of the Indiana Territory authorised and impowered by an act of Congress to make laws for the District of Louisiana and it is hereby enacted by the authority of the same,

(on p. [illegible]) That before any person shall be Licensed to practice as an attorney at Law in any of the Courts of the districts of Louisiana he shall produce to those authorised hereby to grant Licenses a Certificate from any Court in any one of the United States where he last resided that he is a person of Honest demeanor, a Licensed admission to practice in any Court of any one of the United States, and is upwards of twenty one years of age and any two of the Judges of the Superior Court upon such Certificate being produced to them may and they are hereby authorised and empowered to grant to the person producing the same a Licence under

their hands and seals, to practice the law in the Supreme or Inferior Courts of this district, if after examination they shall be of opinion that he is duly qualified.

Section 2. And be it further Enacted that every attorney before he shall be permitted to practice in any of the Courts of this district shall first produce his License in each Court where he intends to practise and in the presence of such Court shall give assurance of fidelity to the district and moreover take the oath of Office (viz) I A.B. do solemnly swear that I will honestly demean myself in the practise of a attorney at Law and will in all respects execute according to the best of my knowledge and ability. If any person shall presume to practise as an attorney in any of the said Courts without a License first obtained as aforesaid or without qualifying himself in such Court in the manner before directed he shall for every such offence forfeit and pay the sum of two hundred dollars for every cause he shall prosecute and defend in any of the said Courts

one moity to the use of the informer the other moity to the use of the District to be recovered by action of debt in the general Court of the said district.

Section 13th. And be it further Enacted that every person that has already been or shall hereafter be convicted of any felonious crime shall be incapable of obtaining such Licence or if Licensed the Judges of any Court in which such person may practise on proof thereof being made to them may supercede his Licence

Section 14th And be it further enacted that if the Judges of the general Court either in the General Court or any of the inferior Courts from their own observation detect any malconduct in either of the said Courts in any attorney of those Courts or if complaint in writing be made to them of such malpractice in any of the said Courts the party accused shall be summoned to shew cause why an information shall not be filed against him, And if such information shall be ordered and the attorney thus offending shall be found guilty of the matter therein charged, the said Judges either in the general Court or any of the inferior Courts as the case may happen may either suspend his Licence during a certain time or vacate it altogether as they may judge

most proper— Provided always that nothing herein contained shall
be construed to enable the Judges of any inferior Court from caus=
ing any attorney practising in such Court to find Security for
his good behaviour or fining such attornies for misdemeanor
or contempts offered to them in the same manner as if this act
had never been made.

Section 5th And be it further enacted that if any suit shall be dismissed
for the nonattendance of any attorney practising either in the
Superior or inferior Courts not having a just and reasonable
excuse, it shall be at his Costs and he shall moreover be liable
for all damages his client may sustain by reason of such dis=
mission or any other neglect of his duty to be recovered in any
Court of Record within this district

Section 6th And be it further enacted that in all cases where the Shef=
=iff is authorised by Law to take the engagement of an att=
=orney indorsed upon the writ, that the such attorney will
appear for the defendant or defendants every attorney thus
entering into such engagement who shall fail to enter an
appearance agreable thereto, shall forfeit to the defen=
dant or defendants dollars for which judgement
shall be immediately entered and execution may issue
thereon

tion 7th And be it further enacted that the Judges of the General Court [illegible] Justices of the [illegible] Courts shall not suffer more than two attornies to argue on any one side except in criminal cases unless good cause be shewn for departing from this regulation

tion 8th And be it further enacted that if any attorney or other person practising as an attorney shall presume to appear under any power of Atty made before action brought, for confessing or suffering judgments to pass by default or otherwise, for any defendant in any Court of Record within this district such attorney shall for every such offence forfeit and pay fifteen hundred dollars to such defendant for his own use, to be recovered with costs by action of debt, or information in the General Court, and moreover shall be liable to an action for damages at the suit of the party aggrieved

ction 9th And Be it further enacted that no justice of the peace Sheriff, under Sheriff or Clerk of any district shall appear or plead as attorney for any person or persons whatever in the Court of the district whereof he is member officer or Clerk except only as general attorney for any person or persons not residing within the

district of Louisiana under penalty of being fined by
such Court on the sum of thirty dollars for every such
offence, to the use of the said district to wards defraying
the Contingencies

Section 10th And Be it further enacted that the Lawyers in the district
of Louisiana shall not demand nor directly or indirectly
or by any device, way or means whatever take or receive
before the suit they are or shall be employed in shall
be finally determined, any greater or other fees or rewards for the following services than what are herein particularly mentioned and expressed, that is to say, Lawyers practising in the General Court may demand and receive for an opinion or advice where no suit is or shall be brought and prosecuted or defended by the Attorney giving such advice but not otherwise, and in any suit other than where the title or bounds of land shall or may come in question Dollars in those where the title or bounds of land shall or may come in question Dollars and in all other cases Dollars except in cases transfered to the General Court in which the fee shall be the same as in the General Court, and Lawyers practising in the

Court of Common pleas or other inferior Courts for ser-
vices done or any thing done in such Courts, may demand
for an opinion or advice where no suit is brought or
shall be prosecuted or defended by the attorney giv-
ing such advice, but not otherwise dollars And in
any suit at Common Law dollars, and every law-
yer expecting, taking, receiving, or demanding any gre-
ater fee or other reward, for any of the above services
before he has performed the said services or finished
the said suit, shall forfeit and pay dollars for
every offence one half to the Governor for the time
being for the use of the District and the other half to
the informer to be recovered by action of Debt or infor-
mation in the General Court of the District

Section 11th And be it further enacted That no Lawyer in any
suit to be brought for his fees or services shall recover
more than the fees above mentioned notwithstanding
any agreement or obligation made or entered into by the
party against whom such suit shall be brought, Pro-
vided always that nothing in this act contained shall
be construed to prohibit the attornies heretofore admit
ted or who during the present connection between the

Indiana Territory and District of Louisiana shall be
admitted to practice in the Courts of the Indiana Territo-
ry from enjoying the same privileges in the District of
Louisiana.

The foregoing is hereby declared to be a law for the District
of Louisiana to take effect accordingly — In Testimony
whereof We William Henry Harrison Governor and
Thomas T. Davis Henry VanderBurgh and John Griffin
Judges in and over the Indiana Territory have here-
unto set Our hands at Vincennes the first day of October
one thousand eight hundred and four and of the Inde-
pendence of the United States the twenty ninth

Willm Henry Harrison

Tho. Terry Davis

Henry VanderBurgh

John Griffin

6. A law entitled a law regulating the appointment of Constables

Be it enacted by the Governor and Judges of the Indiana Territory authorized and empowered by an act of Congress to make laws for the district of Louisiana, and it is hereby enacted by the authority of the same.

That it shall be the duty of the general Court of quarter sessions of the peace in each and every District to appoint at the session next after the first day of March annually one or more respectable and Confidential persons in each and every district, to serve as Constables, and the constable so appointed shall continue in office by virtue of such appointment for the term of one year and so long thereafter as may be sufficient for their successor in office to have notice of their appointment take the oath and enter on the duties of their office. Provided that nothing herein contained shall oblige them to serve as constables for a longer time than three months after the expiration of the term of one year as aforesaid—

all things appertaining to the office of Constable within this District

Sec 3 And be it further enacted That every person who shall be appointed to the office of Constable in manner aforesaid within this District and who shall not within eight days after notice of such appointment take the oath hereon prescribed and every Constable who having taken the oath aforesaid shall neglect or refuse to perform any of the duties appertaining to his office shall forfeit and pay for every such neglect or refusal the sum of twenty dollars, to be recovered with costs of suit before any court of record within the District wherein such constable resides, in the name of any person who will sue for the same (the one half to the use of the person suing for the same) and the other half to the use of the District: Provided always that no person shall be liable to the penalty herein specified for not accepting of the appointment of a Constable in the same district more than once in the term of ten years

Sec 4 And be it further enacted. That when any Constable in any district within this District

appointed as aforesaid, shall die or remove out of the Dis-
trict, or shall be otherwise disqualified from holding such
office, it shall be the duty of any Justice of the peace of the
District in which such death, removal or disqualification
shall happen, to appoint a Constable to fill such vacancy
and return his name to the next court of quarter sessions
to be held for the District, who shall confirm the appoint-
ment or appoint another and the Constable so appointed
shall take the same oath & give, and be subject to the same
forfeiture for neglect of duty, as those appointed by the Court
Provided nevertheless, That nothing in this act shall be con-
strued to prevent any magistrate in the District from
appointing any suitable person to act as Constable in a
criminal case, or in case of attachments, where there is
a probability that the criminal will escape, or where
goods and chattels are about to be removed, if delay is
made for the purpose of applying to the Constable of the
District.

The foregoing is hereby declared to be a law for
the District of Louisiana, to take effect accordingly
In testimony whereof, We William Henry Harri-
son, Governor and Thomas T. Davis, Henry Vanderburgh

and John Griffin Judges in and over the Indiana
Territory have hereunto set our hands at Vincennes
the first day of October one Thousand Eight hun-
dred and four and of the Independence of the
united States the twenty: ninth

William Henry Harrison

Jno. Z Davis

Henry Vanderburgh

John Griffin

A law regulating Boatmen

Be it enacted by the Governor and Judges of the Indiana Territory authorised to make laws for the District of Louisiana and it is hereby enacted by the authority of the same.

Sect. 1st. That all contracts and engagements entered into by any person or persons whomsoever for the rowing and navigating of Boats or other Crafts of any description on the navigable waters of the said Districts shall be fulfilled by the persons so engaging according to the true intent and meaning thereof.

Sect 2d. And be it further enacted, That if any Boatman shall misbehave himself during the course of a voyage neglect or refuse to do his duty, or quit the boat, it shall be lawful for any Justice of the peace of the District on complaint of the master of the boat if on board, or otherwise of the person having the charge thereof, to issue his warrant directed to any Constable Commanding him to take the delinquent and to bring him forthwith before the said Justice, who shall hear and determine the complaint in a summary manner and shall have power and authority either to discharge the said offender, in which case he shall forfeit all wages due him, or also to commit him to Jail for any term not

exceeding thirty days ... unless such offender shall then and there give security to be approved of by such Justice in the sum of two hundred dollars payable to the owner or owners of the boat, Conditioned that he will during the remainder of the voyage do his duty according to his engagement.

Sect 13. And be it further enacted that if any part of the Cargo or tackling belonging to any Boat shall be lost during a voyage through the neglect or default of the crew that then the property so lost shall be paid for to the owner by the said crew

Sect 14. And be it further enacted that any Justice of the peace of the Territory shall on complaint of any person employed in navigating a Boat, complaining of cruel usage from the owner or of not being furnished with the necessary provisions, to summon the master or conductor before him and to hear and determine the same in a summary manner and also to discharge the complainant and to order the owner or Conductor in that case to pay him the whole or such part of the wages for the trip as the said Justice may think proper, saving to the party who may think himself aggrieved, his right of appeal to any Court of Record

having cognizance of the same,

the foregoing is hereby declared to be a law for the District of Louisiana to take effect accordingly In Testimony whereof we William Henry Harrison Governor and Thomas T. Davis Henry VanderBurgh and John Griffin Judges in and over the Indiana Territory have hereunto set our hands at Vincennes the first day of October One thousand Eight hundred and four and of the Independence of the United the twenty ninth

Willm Henry Harrison

Tho. T. Davis

Henry VanderBurgh

John Griffin

A law regulating Marriages

Be it enacted by the Governor and Judges of the Indiana Territory authorised by an act of Congress to make laws for the District of Louisiana, and it is hereby enacted by the authority of the same.

1 That all male persons of the age of seventeen years and female persons of the age of fourteen years, and not prohebited by the laws of God may be joined in marriage.

2 And be it further enacted that it shall be lawful for any of the Judges of the General Court, or of the County Court of Common Pleas in their respective Districts. Ministers of any religious Society or Congregation within the districts in which they are settled, and the Society of Christians called quakers in their public meetings, to join together as husband and wife all persons of the above description who may apply to them agreeably to the rules and usage of the respective societies to which the parties belong.

3 And be it further enacted that previously to persons being joined in marriage as aforesaid the intention of the parties shall be made known by publishing the same for the space of fifteen days at the least, either by the same being

marriage solemnized as aforesaid signed by the Judge, or
Minister celebrating the same or in case of Quakers by the
Clerk of the meeting, shall be by such Judge Minister or
Clerk respectively transmitted to the Register of the District
wherein the marriage has been solemnized within three months
thereafter, to be entered on record by such Register an exem-
plification of which shall be evidence of such marriage.

And be it further enacted that if any Judge minister or
other by this law authorized to join persons in marriage shall
perform the Celebration thereof contrary to the true intent
and meaning of the same, the person, or persons so offending
shall upon Conviction thereof forfeit the sum of One hundred
dollars to and for the use of the said District of Louisiana

And be it further enacted that if any Judge minister or
Clerk as aforesaid shall neglect to transmit a Certificate of
such marriage to the Register as aforesaid he shall upon con-
viction thereof forfeit twenty dollars to and for the use of the said
District.

And be it further enacted by the authority aforesaid
that all marriages which have been had and solemnized in the
said District of Louisiana between the first day of October
last and the passage of this Law before any Judge or Justice

of the peace shall be as good and valid to all intents and pur-
poses as if the same were had and solemnized before any
Clergy man provided the said marriages are not prohibited
by any of the Provisions contained in the foregoing law.

The foregoing is hereby declared to be a law for the
Government of Louisiana to take effect from and after the
passage hereof In Testimony whereof We William Henry
Harrison Governor and Henry Van der Burgh an John
Griffin Judges Have hereunto set our hands This twenty
fourth day of April One thousand Eight hundred and five

Willm Henry Harrison

Henry Van der Burgh

John Griffith

10. A law entitled a law of Defalcation

Be it enacted by the Governor and Judges of the In-
dian Territory as chartered and empowered by an
act of Congress to make laws for the District of
Louisiana and it is hereby enacted by the au-
thority of the same

Sect. 1st That if two or more dealing together be in-
debted to each other upon bonds bills bargains, firm
ties accounts or the like, and one of them commence
an action against one of the defendants com-
mon gainsay the deed bargain or assumption
upon which he is sued it shall be lawful
for such defendant to plead payment of all
or part of the debt or sum demanded, and
give any bond, bill, receipt, account or bargain
in evidence, and if it shall appear that the
defendant hath fully paid, or satisfied
the debt or sum demanded the jury shall
find for the defendant, and judgment
shall be entered that the plaintiff shall
take nothing by his writ and shall pay
the costs. And if it shall appear that any

and yet afterwards will sue for the debt or goods so
~~sold and delivered, all such suits~~
in such suit
Sec 3d And be it further enacted. Provided also that
in all cases where the plaintiff and defend-
ant having accounts to produce one against an-
other, shall by themselves or attorneys or agents
consent to a rule of court for referring the ad-
justment thereof to certain persons mutually
chosen by them in open court the award
or report of such referees being made accor-
ding to the submission of the parties approved
of by the court and entered upon the record
or role shall have the same effect and be
deemed and taken to be as available in law
as a verdict given by twelve men; and
the party to whom any sum or sums of
money are hereby awarded to be paid, shall
have Judgment, or a scire facias for the recov-
ery thereof as the case may require and as
is herein before directed concerning sums found
and settled by a jury. any law or usage to the

contrary in any wise notwithstanding.

The foregoing is hereby declared to be a law of the District of Louisiana to take effect according by. In testimony whereof we William Henry Harrison Governor and Thomas T. Davis, Henry Vanderburgh and John Griffin Judges in and over the Indiana Territory, have hereunto set our hands at Vincennes the first day of October one Thousand Eight hundred and four and of the Independence of the United States the twenty-ninth.

Wm Henry Harrison

Th. T. Davis

Henry Vander Burgh

John Griffin

A law to regulate the practice of the General Court

Be it enacted by the Governor and Judges of the Indiana Territory, authorized and empowered by an act of Congress to make laws for the District of Louisiana, and it is hereby enacted by the authority of the same

That there shall be no discontinuance of any suit, process, matter or thing returned to, or depending in the General Court, although a quorum of Judges shall fail to attend at the commencement, or any other day of any session, but if a majority of them shall fail to attend at the commencement of any session any Judge of said Court, or the Sheriff attending the same, may adjourn the said court from day to day, for three days successively and if a quorum shall not attend on the fourth, or having attended one day, shall fail to attend on a subsequent day of session, the Court shall stand adjourned till the court in course

Sec 2. And be it further enacted, That execution shall be issued from the General Court, according to law, and the returns shall be appointed by the said court

Sec 3d. And be it further enacted That the General court

shall have power to direct the writs summonses process
[illegible] to be issued by the said General Court.

Sect. 4. And be it further enacted that on all writs of error it shall be lawful for the General Court to issue execution or remit the cause to the inferior Court in order that an execution may be there issued or that other proceedings may be had thereon.

Sec. 5. And be it further enacted That no writs of error shall be a supersedeas until the plaintiff in error by himself or a responsible person on his behalf, shall in the clerks office enter into recognizance in double the sum recovered in the Court below with one or more sufficient sureties to the Defendant in error to be approved of by the Clerk for the due prosecution of the suit in Error and in case of the affirmance of the judgment to pay the defendant in error the condemnation and costs that when such surety is given as aforesaid the said Clerk shall endorse on the said writ of Error that it shall be a supersedeas and it shall be obeyed as such accordingly.

Sec 6. And be it further enacted That a writ of error shall not be brought after the expiration of five years from

the passing the Judgment complained of, but where a person

[illegible] be reversed in the General Court, shall be an infant, feme

covert, non compos mentis, or imprisoned when the same was

passed, the time of such disability, shall be excluded from

the computation of the said five years. Whensoever the said

General Court shall be divided in opinion, on hearing

any writ of error, the Judgment or decree appealed from

shall be affirmed.

Sec 7. And be it further enacted, That the Clerks of the General

Court shall carefully preserve the transcript of Record

certified to his court with the bonds for prosecution and

all papers relating to them, and other suits depending

therein, docketing them in the order he shall receive them

that they may be heard in the same course, unless the

court for good cause to them shall direct any to be

heard out of its [illegible] turn.

The proceedings of every day during the term shall

be drawn at full length by the Clerk against the

next sitting of the court, and such corrections as

are necessary being first made therein, they shall be

signed by the presiding Judge.

When any cause shall be finally determined, the Clerk
of the said Court shall keep record thereof. And all writs, pro-
cess, summonses, issuing from the General Court, shall
be signed by the Clerk of the same, and shall bear test
in the name of the Chief Justice or Presiding Judge
for the time being.

Sec. 8. And be it further enacted, That for good cause the
General Court or any Judge thereof may grant com-
missions for the examination of witnesses: and the
Clerk of the said Court when any witness is about
to depart from the said District, or shall by age sick-
ness or otherwise be unable to attend the Court, or
where the claim or defence of any party, or a material
part thereof, shall depend on a single witness, may
upon affidavit thereof issue a commission for taking
the deposition of such witness, de bene esse, to be
read as evidence at the trial, in case the witness be
then unable to attend: but the party obtaining such
commission shall give reasonable notice, to the other
party of the time and place of taking the deposi-
tion

The foregoing is hereby declared to be a law for

the District of Louisiana to take effect accordingly

By the Governor of the Territory of Indiana William Henry Harrison Governor and Thos T. Davis Henry Vanderburgh and John Griffin Judges in and over the Indiana Territory have hereunto set our hands at Vincennes the first day of October One thousand Eight hundred and four and of the Independence of the United States the twenty ninth

William Henry Harrison

Thos T. Davis

Henry Vanderburgh

John Griffin

A law establishing a court of Probate

Be it enacted by the United States of America in Congress assembled and in pursuance of the powers vested by the act of Congress to make laws for the District of Louisiana and it is hereby enacted by the authority of the same

Sec 1. That there shall be appointed one Judge of Probate for each District whose duty it shall be to take the proof of last wills and testaments and to grant letters testamentary and letters of administration, and to do and perform every matter and thing that doth or by law may appertain to the probate office, excepting the rendering definitive sentence and final decree.

Sec 2. The Judge shall hold four sessions in each and every year and may adjourn from time to time or appoint a special session, and at such place in the District as he may deem expedient whenever the circumstances of the public may require it. The sessions for the District of St. Charles shall be holden at the village of Saint Charles upon the

annu

ally for the district of Saint Louis at the town of Saint Louis upon the

annually

for the district of Saint Genevieve at the village of Saint Genevieve upon the annually for the district of Cape Girardeau at upon the annually and for the district of New Madrid at upon the annually. In cases wherein it shall be necessary to render a definitive sentence or to render a final decree and upon a point contested the Judge shall call to his assistance two of the Justices of the Court of Common Pleas of the same district who together with the Judge shall constitute the Court of Probate; a majority of whom shall have power to render final sentences and decrees in all matters cognizable before said Court: Provided however that from every definitive sentence and from every final decree rendered by the Court there may be an appeal to the General Court of the district the appellant giving bond with two sufficient sureties to prosecute his appeal with effect which appeal shall be entered upon the second day of the term of the Court appealed to and next to be holden for the

district in which the appeal was taken -

Every Judge shall, before he enters upon the duties of his office shall be sworn before the Governor to a true and faithful discharge thereof -

Sec 5. The Judge shall record last wills and testaments and make entries of the granting of letters testamentary and letters of administration, he shall receive put on file, and carefully preserve all bonds inventories Accounts and other documents necessary to be perpetuated in his office

Sec 5 All bonds that by this law are or by law shall be directed to be given in the court of Probate or probate office shall be made to the Judge, and shall be in trust to and for the use of all persons concerned or having interest therein. And the benefit thereof shall be extended from time to time to and for the relief of the party injured.

Sec 6. The Judge shall deliver a certified copy of any bond taken by him as aforesaid, to any person interested, and requesting the same. And he shall also produce the Original bond in Court. Whenever any trial that shall be had for the breach of the condi-

tions thereof when ever required by such court and upon refusal or delay herein the Judge shall forfeit and pay to the party injured treble damages

Sec 7 And there shall be appointed a Clerk of said Court of Probate who shall be sworn to a faithful discharge of the duties of his office before he enters into the execution of the duties thereof and the Clerk shall record all entries and decrees of the court of Probate and make entries records of all matters proper to be entered and recorded in his office.

(.) The foregoing is hereby declared to be a law of the district and to take effect accordingly In Testimony whereof Wee William Henry Harrison Governor and Thomas Terry Davis and John Griffin Judges in and over the Indiana Territory have hereunto caused the seal of the Territory to be affixed and signed the same with our names at Vincennes the first day of October 1804 and of the our Independence the twenty Ninth

William Henry Harrison

Thos T Davis

John Griffin

13 A Law establishing Courts of Judicature

Be it enacted by the Judges of the Indiana Territory authorized and empowered to make laws for the District of Louisiana and it is hereby enacted by the authority of the same.

Sect 1st. That there shall be a court styled the General Quarter Sessions of the peace holden and kept four terms in every year in every District Viz, In the District of Saint Charles on the first Tuesdays of July, October, January and April yearly and every year, in the District of Saint Louis on the third Tuesdays of June, September, December & March, yearly and every year, in the District of Saint Genevieve on the second Tuesdays of June, September, December & March yearly and every year, in the District of Cape Girardeau on the third Tuesdays of June September, December, and March yearly & every year, and in the district of New Madrid on the last Tuesdays in June, September December, & March yearly & every year.

Sect 2d And be it further enacted that there shall be a competent number of Justices in every District nominated and authorized by the Governor, by commission under the Seal of the which said Justices or any three of them shall and may hold the said General Sessions of the peace according to law.

Sect. 3d And be it further enacted: That the said Justices of the peace or any three of them shall and may pursuant to their said commissions hold special and private sessions when and as often as occasion shall require, and the said Justices and every of them shall have full Power and authority in or out of Court to take all manner of recognizances, and obligations as any such Justices of the peace of the peace and any of the United States, may can or usually do; which said recognizances and obligations shall be made to the United States. And all recognizances for the peace behavior or for appearances which shall be taken by any of the said

Justices out of Sessions shall be certified into their said General Sessions of the peace to be holden next after the taking thereof, and every Recognizance taken before any of them for suspicions of any manner of felony, or other crime not triable in the said Court of General Quarter Sessions of the peace shall be certified before the Judges of the General Court or Court of Oyer and Terminer at their next succeeding Court to be holden next after the taking thereof without concealment of or detaining or embezzelling the Same; But in Case any person or persons shall forfeit his or their recognizance of the peace behavior or appearance for any Cause whatever. Then the Recognizance so forfeited, with the Record of the default, or cause of the forfeiture, shall be sent and certified without delay by the Justices of the peace, into the said General Court, or Court of Oyer and Terminer, as the Case may require, that thereon process may issue against the said parties according to Law;

all which forfeitures shall be levied by the proper officers, and go to the use of said District, Section 4th. And be it further enacted, that all fines and amerciments which shall be laid before the said Courts of General Quarter Sessions of the peace, shall be taxed, assessed, and set duly and truly according to the quality of the offence, without partiality or affection, and shall be yearly returned by the Clerks of the said Courts respectfully, into the said General Court or Court of Oyer and Terminer, to the intent that process may be awarded to the Sheriff of every District as the case may require for levying such of those fines and amerciaments as shall be unpaid to the uses for which they are or shall be appropriated Section 5th And be it further enacted, that the said Courts of the General Quarter Sessions of the peace, may be kept and continued for the space of three legal days, or seventy two hours in every of the said Districts respectively at any of the said terms herein

before appointed to hold and keep the said Court and Session.

Section 6. "And be it further enacted, that to the end that persons indicted or outlawed, for felonies or other offences in any District or town Corporate who dwell, remove or may be received into any other District or town Corporate, may be brought to justice, it is hereby directed that the Justices, or any of them, shall and may direct their writs or precepts to all or any of the sheriffs or other officers of the said Districts, (when need shall be) to take such persons indicted or outlawed; and it shall and may be lawful to and for the said Justices and every of them, to issue forth subpoenas and other warrants under their respective hands and seal of the District into any other district within this District for summoning or bringing any person or persons, to give evidence in and upon any matter or cause whatsoever, now or hereafter examinable or in any ways treable by or before them, or any of them, under such Paine

and penalties as subpoenas or Warrants of that kind usually are or ought by law to be granted & awarded;

Sect 7th And be it further enacted, that if any person or persons shall find him or themselves aggrieved by the Judgment of any of the said Courts of General quarter-Sessions of the peace or of any other Courts of record within this District it shall and may be lawful to and for the party or parties so aggrieved to appeal from the said Judgment, under the restrictions and regulations of the law to regulate the practice of the General Court upon appeals and writs of error or to have his or their writ or writs of error which shall be granted of course, in manner as other writs are to be granted and made returnable to the General Court.

Sect 8th And be it further enacted that there shall be holden and kept twice in every year a supreme Court of record, which shall be called and styled the General Court; the sitting of which Court, to commence at Saint Louis on the first Tuesdays in May and the last Tuesdays in October yearly and every year, and the Judges

of the said Court, and every of them, shall
have power when and as often as there may be
occasion to issue forth writs of Habeas Corpus, Ver-
tiorare, and writs of error, and all remedial and
other writs and process returnable to the said
Court, and grantable by the said Judges by
virtue of their Office.

Sec 9th And be it further enacted, that the said
Judges, or any two of them, shall in their said
Court hear and determine all causes, matters
and things, Cognizable in the said Court;
And also hear and determine all and all man-
ner of pleas, plaints and causes which
shall be removed or brought there from the
respective General Quarter Sessions of the peace
and Courts of Common Pleas, or from
any other Court to be holden for the
respective Districts and to examine and
correct all and all manner of errors
of Judgments, Process and proceedings
in the said Courts, as well in all pleas
of the United States, as in all pleas real,

Personal and mixed and thereupon to reverse or affirm the said judgments as the law doth or shall direct; and also to examine, correct and punish the contempts, omissions and neglects, favours, corruptions and defaults of all or any of the Justices of the peace, sheriffs, Coroners, Clerks, and other officers within the said respective districts and also shall award process for levying as well of all such fines, forfeitures and amerciments as shall be estreated into the General court as of the fines, forfeitures and amerciments which shall be lost, taxed and set there, and not paid to the uses to which they are or shall be appropriated; and generally shall minister ample justice to all persons, and amply exercise the jurisdictions and powers herein mentioned, concerning all and singular the premises according to law.

Section 10. And be it further enacted, that all the said writs shall run in the name and style of the United States of America

and bear test in the name of the Chief Justice
of precedency except and where he shall be
the Judicial Seal of the said Court, and made
returnable to the next Court after the date of
such Writs.

Sect 11th And be it further enacted, that the Judges of the
General Court have power from time to time to de-
liver the Gails of all persons, who now are, or hereafter
shall be committed for treasons murders and
such other crimes, as by the laws of this District
now are or hereafter shall be made Capital, or
felonies of death as aforesaid and for that end,
from time to time, to issue forth such necessary
precepts, and process, and force obedience there-
to, as Justices of the assize Justices of Oyer and
terminer, and of Gail delivery, may or can do
within the United States,

Sect. 12th And be it further enacted, that the said
Court shall have Jurisdiction in all criminal
cases and exclusive Jurisdiction in all those
which are capital, and original Jurisdiction
in all civil cases of the value of one hundred

dollars and upwards and appe[illegible]

Sect 13th And be it further enacted, that in all criminal prosecutions which may be brought into any of the Courts of the District, the trial shall be by a Jury of twelve good and lawful men of the Vicinage, And in all civil cases the trial shall be by Jury if either of the parties require it, and all cases where neither of the parties shall require a Jury, the law and fact shall be determined and damages assessed by the Court, and execution awarded as in other cases, That the party requiring a Jury shall by himself or his attorney signify such requisition in the Rule Book at the rule day succeeding the filing the declaration by the Plaintiff in the cause

Sect 14th And be it further enacted, that in all causes whatsoever, Civil, criminal and mixed the parties shall be heard by Counsel & shall have Compulsory process to bring their witness who shall be [illegible] viva voce in open Court.

Section 15th And be it further enacted in order to compel the due attendance of Jurymen on the said General Court and also other courts within this District; It is hereby declared, that if any person shall be duly summoned to attend any Court of Judicature to serve on a Jury or any inquest required by law, and shall neglect or refuse to give his attendence on the day and during the time his service is necessary, every such person so offending shall be fined for every such offence in the General Court, and Court of Oyer & Terminer by the Judges thereof any sum not exceeding eight dollars; and for every such offence in the Court of Common Pleas, or Court of Quarter Sessions of the Peace for any District, within this district, by the Justices thereof any sum not exceeding five dollars unless such delinquent shall at the same or next succeeding Court render to the Justices or Judges thereof a reasonable excuse for such neglect or refusal to be allowed by such of them as shall

be present; which said Judges or Justices are hereby empowered and required on failure of such delinquent to render such reasonable excuse to issue a writ to the Sheriff of the District, to levy the said fines on the goods and chattels of every such delinquent to be paid to the Clerks of the several Courts of quarter Sessions Common Pleas and General Court respectively, and by the said Clerks to the District Treasurer, for the use of the District

Sect 16th. And be it further enacted that a competent number of persons shall be commissioned by the Governor, under the seal of the as Justices of the Common Pleas, who shall hold and keep a Court of record in every District and which shall be styled and called the Court of Common Pleas of (naming the particular District) and shall be holden four times in every year, in each District at the place where the general quarter Session of the peace, shall be respectively kept, which said Justices or any three of them according to the tenor and directions of their Commissions shall hold pleas of all & singular facias, reflevins and scire and

determine all and all manner of pleas, suits ac-
tions, and causes, civil, personal and mixt ac-
according to law.

Sect 17th And be it further enacted that every of the
said Justices shall and are hereby empowered to
grant, under the seal of their respective Courts
respective writs of partition, writs of view, and all
other writs, and process upon the pleas and ac-
tions cognizable in the said respective Courts, as
occasion may require.

Sect 18th And be it further enacted, that the said
Justices of the said respective Courts last mentioned
shall and hereby impowered to issue forth subpoe-
nas under their respective hands and seal of the
court, into any Island or place within the
District for summoning or bringing any person
or persons, to give evidence on, or upon the trial
of any matter or cause whatsoever depending
before them or any of them, under such pains
and penalties as by the rules of the common law
and course of the practice of the General Court,
are usually appointed.

Sect 19th And be it further enacted that upon any Judgment
obtained in any of the said Courts of Common Pleas,
and execution returned by the Sheriff or Coroner of
the proper District where such Judgment was obtained,
that the partie is not to be found, or hath no lands
and tenements goods or chattels in that District
and thereof it is testified, that the party sueth
or liable, or hath lands tenements goods or chattels
in another District within this District, it shall
and may be lawful to, and for the Court that shall
award such execution, to grant and they are hereby required
to grant an alias execution, with a Testatum Clause
to the Sheriff or Coroner of the District or place
where such person lies hid, or where his lands, or effects
are, Commanding him to execute the same ac-
cording to the tenor of such writen writs and make
return thereof to the Court of Common Pleas when
such recovery is had or Judgment given, and if the
Sheriff or Coroner, to whom such writ or writs
shall be directed shall refuse or neglect to execute
and return the same accordingly he shall be a
mercer in the District where he ought to return

it and be Liable to the party grieved and the said
amerciament shall be truly and duly set according to
the quality of the offence; and estreated by the Prothon-
otaries of the respective courts of Common pleas into
the next succeeding General Court or Court of Oyer
and Terminer, in course, that thence process may
issue against the offender for Levying such fines
and amerciament as shall be unpaid to the uses
for which they are or may be appropriated;
Sec. 20th And be it further enacted, That the Courts of
Common pleas in each District shall commence
their term on the same day as is herein directed
for the commencement of the Courts of General
quarter sessions of the peace

Sect 21. And be it further enacted that all suits, actions and causes before the General Court or Court of Common pleas and general quarter sessions of the peace that shall be undetermined shall be continued over to the next respective term ensuing under the authority of this Law

Section 22. And be it further enacted that all actions, suits process, and pleading together with all papers and evidences thereunto belonging which are or shall be pending and undetermined before any Commandant before the date hereof shall be delivered by the Commandants of the subordinate districts to the prothonotaries of said districts hereafter to be appointed. And those in the hands of the first Commandant shall be delivered to the Clerk of the General Court hereafter to be appointed. And it shall be the duty of the said Commandants to certify under their hands and seals the true situation of the suits and actions pending before them and it shall be the duty of the several prothonotaries of the districts and the duty of the Clerk of the General Court to place the actions and suits so certified to them, in such order on their dockets as to bring them to issue and trial with=

in as short a space of time as they would have been

brought to trial had they remained before the said Commandant.
And where Judgment has been obtained before any of said
Commandants the Clerk of the General Court or any notar-
ary of a district to which the Judgment may be removed
shall have power and authority to issue execution thereon
in the same manner as if Judgment had been obtained
in his own Court. And all other records and papers
belonging to any Judgment obtained before any Com-
mandant shall be delivered by the Commandants
to the Prothonotaries of each district respectively.
Sect. 23 And it further enacted that all state or
Governmental papers in the hands of any commandant
in the district shall be deliver'd to the Secretary of the
District or to such other person as the Governor may
appoint who shall give a receipt therefor if necessary.
And that all mills or other instruments in writing of
the nature of wills now in the possession of any com-
mandant or other officer of the former government
shall by such commandant or officer be delivered to
the Judge of (Probate) of the district where such
papers are now deposited, And that all patents,
grants, mortgages and conveyances of real estate

which may be in the possession of any commandant or other officer of the former government shall by such Commandant or officer be delivered to the Recorder of the District in which such papers are now deposited or in which such land lies.

Section 24 And be it further enacted that the Clerk of the general Court and the prothonotaries of the inferior Courts shall be and they are hereby authorised to issue writs of capias ad respondendum and all other process which by law they are directed to issue to bear test the day on which such process shall issue and be made returnable to the next term of their respective Courts.

The foregoing is hereby declared to be a law for the district of Louisiana to take effect accordingly. In testimony whereof we William H Harrison Governor and Thomas T Davis, Henry Vanderburgh and John Griffin Judges in and over the Indiana Territory have hereunto set their hands at Vincennes the first day of October one thousand eight hundred and four and of the Independence of the United States the twenty ninth

William Henry Harrison

To

Henry Vanderburgh

John Griffin

14

A law regulating the Oath of Office

Be it enacted by the Governor and Judges of the Indiana Territory authorized and empowered by an act of Congress to make laws for the District of Louisiana and it is hereby enacted by the authority of the same

That every person appointed to any Civil Office in the District, and Commissioned by the Governor shall previous to his entering upon the exercise of his Office, take the following Oath, viz I. A. B. being appointed to the Office of do solemnly swear that I will well and truly execute the duties of my said Office according to the best of my Skill and understanding without fraud or partiality. So help me God.

Sect 2d And be it further enacted that any person appointed as aforesaid, conscientiously scrupulous of taking an Oath, shall make the following affirmation, previously to entering upon the duties of his Office viz I. A. B. being appointed to the office of do solemnly, sincerely and truly declare and affirm, that I will well and truly execute the duties of my said Office according to the best of my Skill and understanding without fraud or partiality, and this I declare and affirm under the pains and penalties of perjury.

Sect 3d And be it further enacted that all Oaths of Office, or

declarations and affirmations prescribed as aforesaid shall be taken before the Governor or such person or persons as shall by him be appointed and commissioned for that purpose and certified upon the Commission of the person taking the same, And in case of the absence of the Governor the said oath or declaration or affirmation may be taken before and certified by either of the Judges of the District.

The Secretary is hereby declared to be a Law for the District of Louisiana to take effect accordingly. In testimony whereof I the William Henry Harrison Governor and Thomas T. Davis Henry Vanderburgh and John Griffin Judges in and over the Indiana Territory have hereunto set our hands at Vincennes the first day of October One thousand Eight hundred and four and of the Independence of the United States the twenty ninth

Wilm Henry Harrison

Tho. T. Davis

Henry Vanderburgh

John Griffin

15 *A law establishing the Office of Sheriff*

Be it enacted by the Senate and House of Representatives of the Indiana Territory assembled and empowered by an act of Congress to make laws for the District of Louisiana: and it is hereby enacted by the authority of the same,

That there shall be appointed and Commissioned by the Governor, in each District a Sheriff, who shall take the oaths of allegiance to the United States, and of office, and shall give bond with two sufficient sureties, in the penal sum of four thousand dollars, for the faithful discharge of the duties of his office.

Sec. 2. *And be it further enacted, That the duties of each Sheriff, shall be to keep the peace by causing all offenders against law; or his own to enter into recognizances with sureties for keeping the peace, and appearing at the next general quarter sessions in the same District, and to commit in case of refusal; and which recognizances shall by the said Sheriff be returned, and certified before the said quarter sessions. it shall also be his duty to quell and suppress all affrays, routs, riots and insurrections; and for which*

and he shall, and is hereby empowered to call to his aid the posse of the county for that purpose appointed and commit to goal any felons and traitors: he shall execute all warrants writs and other process which by law shall appertain to the duties of his office and which shall be directed to him by legal authority he shall duly attend upon all courts of record at their respective terms or sessions in his district

The foregoing is hereby declared to be a law for the District of Louisiana to take effect accordingly — In Testimony whereof, We William Henry Harrison Governor and Thomas T. Davis, Henry Vandenburgh and John Griffin Judges in and over the Indiana Territory, have hereunto set our hands at Vincennes the first day of October. One thousand eight hundred and four and of the Independence of the United States the twenty ninth month

Willm Henry Harrison

Tho T Davis

Henry Vandenburgh

John Griffin

State of Indiana

Executive Department

Office of the Secretary of State

I William H. Peck Secretary of State for the said State of Indiana do hereby certify, and make known that the foregoing copies of the Acts of the Governor, and Judges of the Indiana Territory, are the foregoing Bound Book with Few, accurately and faithfully transcribed from the original rolls remaining in this Office and that the same are just, true and accurate Copies of the said Originals.

Done at said office at Indianapolis this Twenty seventh day of November in the Year of our Lord One Thousand eight hundred, and twenty eight the Thirtieth Year of the State, and of the Independence of the United States the fifty third.

In Testimony whereof I have hereunto affixed my Seal, and the Seal of said State this day and Year last aforesaid

Wm. H. Peck

State of Indiana

Office of the Secretary of State

27. Nov. 1828

The Secretary of State of

the State of Missouri.

Sir

I herewith transmit a copies of the

Acts of the governor & Judges of the Indiana Territory declared

to be laws for the government of the District of Louisiana.

Justice to the young gentlemen who made the copies and to

myself induces me to remark that the many defects in orthography

& in throwing capitals, and in many instances the apparent want

of sense is not attributable, but to the originals — the copies being

very accurate transcripts. I have taken the liberty of having the

copies bound, believing it would be the means of preserving them

safe transportation by Mail. The first Act of the Laws respecting

crimes, which I take it for granted is lost has been found. My ac-

count herewith forwarded, you will please forward by mail & unless

you can dispose of the amt in the Branch of the U States Bank at

Louisville which would be preferred. Respectfully

H. H. Vorhees

Luis Albon (Jovine) in Alaunia
novem novembris deos pervigil-
ate Cattinos? non vos! Et fave
adspiratis benefice nobis parva
siquidem nobis dues. Hercules mate
est qui in Rebus hujusmodi
patris fui Fraiech exsperare pec
vitios, Ille meritis ex me-
dium montium portum prolem
extendere Cimbrare Cunsentere
at Hercules Auctus Octies
natas quinquaginta de Thestio
nocte una per dreiht + nunnes
Virginitatis effoure + genetrieue
fundere pastores